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TO A  
N O B L E M A N,  
CONTAINING  
CONSIDERATIONS ON THE LAWS  
RELATIVE TO  
I S S E N T E R S.

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CONSIDERATIONS ON THE LAWS

RELATIVE TO

D I S S E N T E R S,

AND ON THE INTENDED

APPLICATION TO PARLIAMENT

FOR THE

R E P E A L

OF THE

CORPORATION AND TEST ACTS.

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B Y A L A Y M A N.

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*Hanc veniam petimus, damusque vicissim.*

HOR.

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L O N D O N :

PRINTED FOR T. CADELL, IN THE STRAND.

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L E T T E R

TO A

N O B L E M A N

CONTAINING

CONSIDERATIONS ON THE LAWS

RELATIVE TO

D I S E N T E R S

AND ON THE INTERESTS

APPLICATION TO PARLIAMENT

FOR THE

R E P E A L

OF THE

CORPORATION AND TEST ACTS

BY A B A Y M A N

NEW EDITION, CORRECTED BY THE

Author

L O N D O N

PRINTED FOR T. BARNES, IN ST. MARTIN'S LANE

A  
L E T T E R  
T O A  
N O B L E M A N.

MY LORD,

I N obedience to your Lordship's commands, I have used my best endeavours to understand the nature of the question lately depending in Parliament, relative to the Corporation and Test Acts; and the following pages now submitted to the public, were the result of an honest and patient inquiry.

My firm and conscientious opinion is for a repeal—and sure I am, that unless something material shall be done by the wisdom of the Legislature to mitigate the intolerance of our laws, a neighbouring nation, whose government was the constant subject of our repro-

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bation and abhorrence, will be soon found the truest asylum for religious liberty.

Before the close of last year, (Dec. 24) the *Non-Catholiques* in France, (a significant term which comprehends Christians of every denomination) were made eligible to offices civil and military: shall it be observed by future historians, that the Parliament of Great Britain, less liberal, and less just, instead of making their toleration *complete* to fellow Christians, fellow Protestants, and to the most loyal of all their fellow-subjects, as respecting the House of Brunswick, in a solemn debate, three months afterwards, continued the Corporation and Test Acts, and every other oppressive statute relating to religious opinions and differences.

I cannot but think the continuance of the acts in question to be a heavy and an unnecessary burden on a meritorious part of his Majesty's Protestant subjects. They were passed in the disgraceful reign of Charles the Second, on the spur of an occasion, in unsettled, inclement and unhappy times, when the nation was scarcely recovered from a civil war, and trembled for its religious establishment under an irreligious prince and a Popish successor.

successor. They were planned in suspicion and jealousy, and though they may be said to be useful for a time, whilst the danger lasted, they have been continued through whim, obstinacy and pride. The long duration of these acts, so oppressive in their nature, and so dishonourable, from selfish motives only, makes them greater grievances, and the stronger the reason for rescinding them in this tranquil and enlightened period.

The extreme folly of our ancestors, in attempting to force the consciences of men to an uniformity of belief, is admitted on all hands. Mankind, no longer a prey to superstition, universally acknowledge, that a *complete* toleration of religious worship is an indefeasible right, of which none can be deprived without injustice. It is the broad basis on which all *protestantism* is founded, for in the words of St. Paul<sup>a</sup>, applied by a Bishop in a sermon before the House of Peers<sup>b</sup>, "*where the spirit of the Lord is, there is liberty.*"

It may be hoped then, that the two houses will readily join to remove those disabilities

<sup>a</sup> 2 Cor. iii. 3, 17.

<sup>b</sup> Bishop of Lincoln's sermon, on the 30th of January.



which prevent brethren of the same country, city, town, profession and faith from serving their king and country, in offices for which they are qualified by their birth, education and talents.

It will be alleged<sup>c</sup>, that the Dissenters are no longer vexed in the exercise of their religious rites; that their exclusion from offices has had the stamp of approbation near a century of years; that to remove such a landmark of the constitution, by which no man shall obtrude himself in an office of trust, nor even the successor to the crown mount the throne without conforming to the established religion, is not on slight pretences to be removed<sup>d</sup>.

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<sup>c</sup> Lord North's speech in the House of Commons March 28, 1787.

<sup>d</sup> More weight is given to this argument than it really deserves; for what reason can be assigned that the Sovereign reign of united kingdoms should by law be obliged to communicate in the church of England more than in the kirk of Scotland? The fact is, that the act which made the prince of this country liable to a sacramental test was passed in the reign of King William; and when the union was in negotiation, in a subsequent reign, there were many greater difficulties to be surmounted, and sacrifices to be made, that we are not to wonder some general pro

These and such like arguments are more specious than solid. On such grounds we did wrong to repeal any of the penal laws against Catholics. By this rule we ought never to make an alteration in the State. To fix judges for life was an invasion of the prerogative. Mr. Burke's reform bill was a dangerous innovation, &c. But in fact, the Protestant Dissenters claim the abolition of these disqualifying laws as *a debt* which no length of time can extinguish, and which they will continue to demand with all due deference,

of protestantism was not adopted, (both religions being declared equally true) in lieu of the partial one before mentioned. Allowing, however, full scope to the argument, it only proves, that in regal government the sovereign ought to be of the religion of *the majority* of his people, and give some public mark of his sincerity and belief; not that every man of his household, from his *chamberlain* to his *rat catcher*, should, without exception, worship in the same church, especially if the test operate to the exclusion of the Scotch nation from their own offices, and from a participation of employments civil and military, paid out of the purse of the united kingdom. It is curious, that Presbyterians should be the most proper persons for filling all offices north of the Tweed, but let them cross that river, they are not to be trusted without a new test, and of the most solemn nature, even to the deserting of their kirk.

until the equity and justice of their right shall be acknowledged.

The Protestant Non-conformists ought not to desist prosecuting their just rights, till the magistrate, like a *common parent*, shall declare them emancipated, and equally free and beloved with their fellow-subjects. They should approach him with filial respect; but this generation should not pass away without being witness of their unwearied endeavours to vindicate the liberty wherewith nature and Christianity have made them free; they ought *temperately*, but *steadily*, to pursue every measure which the English constitution permits to all who enjoy it, for the recovery of their natural rights and privileges; and while they contend for the most precious of all franchises belonging to human nature, *religious freedom*—they will be approved both by men and angels.

If by the annual bill of indemnity, the execution of the Test Act be relinquished, where is the objection to its total repeal? If Ireland<sup>e</sup> has found no inconvenience from  
taking

\* Abundant mischief to the State, and ruin of the established church in Ireland, was repeatedly foretold in Dean

taking off the test, but on the contrary, many obvious advantages have been derived from it, why is England to prognosticate danger to her religious establishment from a like alteration? Our neighbouring kingdom unfettered her dissenting ministers before we did, and found them as useful labourers in the Lord's vineyard, in rooting out Popery, and in planting a better religion in its stead, as the established clergy. Now if a farther indulgence be granted to English Non-conformists, or the sacramental test be abolished, why are we to suppose from this that the body of Dissenters, especially their ministers, will be less active in the cause of true religion and piety?

So far from these restraining laws being levelled against Protestant Dissenters, they had most certainly in contemplation the Papists. It will be said that the *Corporation Act* was to remove *evil spirits*, and that *they* are the evil spirits described in the preamble: yet, on examination it will be found, that the only clause which was added to it by the House of

Swift's publications, by the repeal of the sacramental test, nothing of which has happened in that kingdom to verify the prediction.

Peers, and made perpetual by the Legislature, could not possibly relate to persons, who at that time and afterwards, were church-communicants. The old puritans were dreadfully afraid of schism, so were their descendants the Presbyterians. The act of uniformity, that took place on the feast of St. Bartholomew, 1662, (on which festival ninety years before, 80,000 Protestants were massacred in France) though it turned out of their livings 2000 Presbyterian ministers, and reduced their families to want, did not immediately produce a separation from the established church; for notwithstanding this oppressive act, Mr. Baxter proposed at a meeting of ministers (and in which he was not contradicted) “ that it was lawful, and their duty to communicate with the parish churches in the “ liturgy and sacraments<sup>f</sup>.” And at another meeting, held soon after the two greatest calamities that can afflict a nation for its sins, when the plague in 1665, and a conflagration in 1666, had desolated the metropolis, it was agreed, that communion with the church of England was in itself *lawful and good*.

<sup>f</sup> Stillington on Separation, p. 158.



However, let it even be admitted, contrary to the fact, that this clause, so introduced into a temporary act to impower the King to regulate corporations, was framed expressly to exclude Protestant Dissenters; was it not a breach of the King's declaration from Breda, copies of which he sent to the Speakers of both Houses of Parliament?

The Corporation Act\*, however brought about, may be now repealed without offence to the most zealous high-churchman; "for  
 " by a law which is still in force, a corporate  
 " office, held by a person who has not received the sacrament within twelve months  
 " next preceding his election, is not altogether *void* as the Corporation Act provided,  
 " but *voidable* only for six months after his  
 " election, in case of a removal or of a prosecution commenced within that time; and  
 " after an unqualified corporator has been  
 " allowed to remain unmolested in office for  
 " six months, he is discharged from all penalties, and has then as complete a right  
 " as if he had been properly qualified at  
 " first."

\* The right of Protestant Dissenters to a complete toleration asserted, p. 27 and 34.

Some

Some of the corporations, and of the public companies, are chiefly in the hands of the Dissenters, and well for the Protestant succession and Brunswick line they were so at a time, when the country interest was in many parts of the kingdom by no means disinclined to the abdicated family.

Happily for the nation, all parties and distinctions, it is presumed, are now equally united in bonds of affection to the Protestant succession. This therefore is the proper time to take into consideration the Corporation Act, as keeping up an unnecessary distinction among Protestants, and in the room of the sacramental test, to substitute a suitable oath and declaration; for why should the sacrament of the Lord's supper be considered as a greater security than the calling God to witness in a solemn oath or declaration? This is the season to dispel ill humours and jealousies, to bury in oblivion the remembrance of past miscarriages, to carry in our minds, after the experience of a century, that a spirit of freedom will never endanger the constitution, whilst the constitution is not unfriendly to liberty. On the contrary, it will act like an indulgent parent, to nurse, to fondle, to strengthen,

strengthen, to support, to bring it to maturity.

As for the *Test Act*, it is well known that it had altogether in view the danger of Popery, and the introduction of Roman Catholics into the army and offices of trust. The title of the statute is, "An act for preventing dangers which may happen from "Popish recusants:" And the same thing is declared to be the design of the act in the preamble.

In a crisis of anxiety and general alarm, when *King Charles*, totally destitute of religion<sup>a</sup> and all principles of honour, was supposed favourable to men of the Romish persuasion, as most subservient to his views, the penal laws being suspended by proclamation to protect Papists in the exercise of their religion, and in the enjoyment of public offices—when his brother and his prime minister were avowed Papists; an army raised without authority of Parliament, commanded by a foreigner, and having in it many Popish officers, and encamped on Blackheath to awe

<sup>a</sup> Though in 1662, a prayer was added to the liturgy, in which the clergy were obliged to style, and pray for him as *their most religious King*.

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the proceedings of the two Houses, in this crisis, when horror and consternation pervaded the nation, the conduct of the Dissenters was patriotic in the extreme.

They refused to listen to any accommodation; for some of the court-party laboured to persuade them to press forward the bill for ease of Protestant Dissenters, hoping to make a breach between them and the House of Commons. But in answer to these insidious offers, Alderman Love, one of the members for the city of London, and one of the very few Dissenters who scrupled to receive the sacrament according to the rites of the church of England, declared in the debate, that it was his wish that “an’ effectual security might be found against Popery, and that nothing might interpose till that was done: when that was over, the Dissenters would try to deserve some favour; but at present they were willing to lie under the severity of the laws, rather than clog a more necessary work with their concerns.”

In this important struggle, in which the King was forced to yield, the Dissenters cheer-

<sup>1</sup> Burnet's Hist. Vol. i. p. 347.

ly united even with those who had persecuted them without mercy, in repelling the attempts of the Crown to destroy the civil and religious liberties of their country; and in this glorious cause they had a superior merit to the other patriots not under the lash of persecution, as they disdained to purchase security and peace by a desertion of their constitutional principles.

It cannot be denied, that they have always run greater risks, and with greater unanimity, than any other set of men whatsoever. On many occasions\* the Parliament bore honourable

\* The Test Act was so little the work of Charles the second\*, that it was procured by the Commons stopping the Bill of Supply till it received the royal assent.

As soon as the King got his supplies, he adjourned the Parliament, and dropped the bill for ease of Dissenters, which was even brought in before the Test Act was thought of, and had passed the Commons, but to which the Lords had made amendments. This was in October 1673. Another attempt was made in the month of January following, for the House still continued to think it a debt of honour which could not too soon be discharged. The Parliament which passed the Test Act, and which was dissolved in 1678-9, continued favourable to Non-conformists; and one of the concluding acts of its

\* Right of Protestant Dissenters to a complete toleration asserted.



nourable testimony to their merits and the sufferings; and not without truth, for the small remains of liberty would have been crushed by the unprincipled Charles and his bigoted brother, but for their heroic zeal when no threats could shake or weaken their constancy, no offers, no allurements, could alter their principles, or make them swerve from the duty they owed to their country and their God.

The consequence was, that they incurred in a violent degree the resentment of the Court; and the treatment of the Non-conformists during the reign of Charles the Second, was one continued series of undiminished malice and oppression. As often as the Houses of Parliament strove to have the penal laws against Catholics put in execution, he vented his spleen upon the Dissenters,

political life, was to provide a test, which should allow Dissenters to sit in either House of Parliament, but should exclude Papists. The Parliament which succeeded this, was also favourable to them; so was that which met in 1680; for before it was prorogued, the House of Commons came to some spirited resolutions, in honour of the testimony of the merits of the Dissenters, and showed clearly that their services were not then forgotten by the representatives of the nation.

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ecuting the law on them with equal or  
reater severity<sup>1</sup>.

Many attempts were made by the friends  
the constitution for alterations in the li-  
urgy and discipline of the church, to bring  
out a comprehension; to ease the Dissenters  
from the penalties of statutes to which they  
were obnoxious, and to introduce a test to dis-  
tinguish between Protestants and Papists; such  
that which afterwards made the qualification  
of a seat in Parliament; but these designs  
were always frustrated by the perfidious king.  
This he did by sudden prorogations, and  
when they failed him, as in the instance of a

The Non-conformists were persecuted by Charles the  
second, under the severe acts passed in the reign of Queen  
Elizabeth, for not attending divine service in their parish-  
church or chapel; under the celebrated act of uniformity;  
under the five mile act for restraining Non-conformists  
who would not take an unlawful oath, from inhabiting  
corporations, and from keeping schools; under an act  
passed in the 22d year of his reign, *against conventicles*, in  
which it was declared contrary to the general rule with  
respect to all penal statutes, viz. that they must be con-  
strued *strictly*, "this act, and all clauses therein contained,  
shall be construed *most largely and beneficially*, for the  
suppressing of conventicles, and for the justification and  
encouragement of all persons to be employed in the  
execution thereof."

bill

bill to relieve them from all penal acts against Elizabeth and James against Popish recusants, which bill passed soon after the Popish rebellion, and only waited for the royal assent, he resorted to the pitiful trick of having it stricken from the table of the House of Lords, January 10, 1681, and so prevented its being presented to him.

This despicable conduct was the more grateful in that prince, as he owed his restoration to the Presbyterians, and had they been foolishly credulous, more so than our sects, but have used the precaution to insist on specific terms in reward of their essential services, instead of vague promises; and require proper pledges for the King's performance of his word, an application for repeal of these statutes would have been rendered needless, because such laws would never have been passed.

Who could have imagined, that a king who for the crown of Scotland had taken a solemn league and covenant, and who, to receive the crown of England, solemnly declared liberty to tender consciences, and had given the most sacred assurances that no man should be disquieted or called in question for difference

ferences of opinion in matters of religion, which did not disturb the peace of the kingdom, and that he should be ready to consent to such an act of Parliament, as upon mature deliberation should be offered to him for the full granting that indulgence,—who could have surmised, that this gracious and religious king should promote the act of uniformity, “ by ” which all hopes of a comprehension vanished, and all his promises of toleration and of indulgence to tender consciences were eluded and broken ?”

King *James the Second* was strenuous in his religion, and endeavoured by fair promises to dissolve the body of Dissenters, and to entice them to concur with him in his plan of repealing the test, or of dispensing with the execution of it, having his prerogative declared inherent in the Crown by a majority of legal and dependant judges. In this momentous crisis, some few of the Dissenters fell in with the measures of the Court, and stimulated by the provocations of the rulers of the church of England in a former reign, accepted the offer of milder treatment under James: but these were much fewer in num-

m Hume.

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ber, and also far inferior in quality to the Episcopalians, who supported the illegal pretences of the King. The greatest part of the Dissenters preferred the chance of a legal toleration to a servile and precarious dependance on the will of a Prince, while the largest number of the members of the church thundered from their pulpits the divine indefeasible right of kings, and the abject slavish doctrine of passive obedience and non-resistance.

Whenever the heads of the church found themselves in distress, they made overtures to the Dissenters to prevent their taking shelter under the prerogative of the Crown. Bishop Burnet<sup>n</sup> speaks confidently of these transactions, because they passed through his hands. The clergy, by the Bishop of London, had desired the Prince of Orange to use his credit with the Dissenters to keep them from going into the measures of the Court, and sent over<sup>o</sup> positive assurances, that in case they stood firm to the common interest, they would in better times come into a *comprehension* of such as could be brought into conjunction with the church, and to a full *toleration* of the rest.

\* Vol. i. p. 708.

\* By Dykvelt, 1687.



The Bishop farther makes this remarkable declaration in the name of the church<sup>p</sup>. “ It is not to be doubted, but though some weaker men of the clergy may still retain their peevish animosities against the Dissenters, yet the wiser and more serious heads of that great and worthy body, see now their error ; they see who drove them on it, till they hoped to have ruined them by it.” He adds, “ There seems to be no doubt left of the sincerity of their intentions in that matter ; their piety and virtue, and the prospect they now have of suffering themselves, put us beyond all doubt of their sincerity. If ever God, in his providence, brings us into a settled state, out of the storms into which our follies and passions, as well as the treachery of others have brought us ; it cannot be imagined that the bishops will go off from those moderate resolutions which they have now declared ; and they continuing firm, the weak and indiscreet passions of any of the inferior clergy must needs vanish, when they are under the conduct of wise

<sup>p</sup> Apology for the church of England with relation to the spirit of persecution.

“ and worthy leaders. And I will boldly say  
 “ this, that if the church of *England*, after  
 “ she is got out of this storm, will return  
 “ hearken to the peevishness of some  
 “ men, she will be abandoned of God and  
 “ man, and set both heaven and earth against  
 “ her. The *nation* sees too visibly how dear  
 “ the dispute about *conformity* has cost us  
 “ to stand any more on such *punctilios*; and  
 “ those in whom our *deliverance* is wrapt up  
 “ understand this matter too well, and judge  
 “ too rightly of it, to imagine that ever they  
 “ will be *priest-ridden* in this point. So that  
 “ all considerations concur to make us con-  
 “ clude that there is no danger of our *splitting*  
 “ a second time upon the same *rock*: And  
 “ indeed if any arguments were wanting to  
 “ complete the certainty of this point, the  
 “ *wise* and *generous behaviour* of the main  
 “ body of the Dissenters in the present jun-  
 “ ture, has given them so just a title to our  
 “ friendship, that we must resolve to set  
 “ the world against us, if we can ever forget  
 “ it, and if we do not make them *all the re-*  
 “ *turns of ease and favour*, when 'tis in our  
 “ power to do it.”

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There was no pretence to say, that the debt of honour contracted to the Dissenters by the heads of the church in its great distress, and confirmed by the sacred word of our glorious deliverer before the revolution took place, (for Dykvelt the Dutch ambassador was instructed to assure them of a *full toleration*, and likewise of a *comprehension* if possible, whensoever the crown should devolve on the prince) was discharged by what was done for them in the settlement of the nation. It was the opinion of the wisest and most honest men after the revolution, Archbishop Tillotson, Mr. Locke, &c. that Protestant Dissenters ought to be made capable of serving the State in every capacity; nevertheless it was over-ruled by the high-church party, who were not to be disobliged at that time.

King William's opinion for maintaining the test, whilst a Popish prince was on the throne, is no way inconsistent with his sentiments afterwards, of repealing so much as related to his Protestant subjects. It has been frequently observed, that King James wanted nothing but the repeal of that act to accomplish his designs; and much stress is always laid on this fact by the present sticklers for

the test. It is true, in this juncture the Prince declared, by *Pensionary Fagel*, an aversion to an abrogation of the sacramental test; but surely this letter ought not to be produced *now*, to evince the real judgment of the Prince and Princess of Orange of a sacramental test considered in itself, and abstracted from the apprehension of imminent danger to the State in that æra.

In one of his earliest speeches from the throne, March 16, 1689, he expressed *spontaneously*, an earnest wish, “ that such alterations should be made in the laws as would leave room for all his Protestant subjects as were willing and able to serve him. Adding, “ this conjunction in my service will tend to the *better uniting you* among yourselves, and the *strengthening you* against your common adversaries.” A<sup>a</sup> petition from the common-council of the city of London was presented to the House of Commons praying, “ That the King may be freed from all restraints of using his Protestant subjects, indiscriminately, in his military and civil services, according to their several qualities and abilities, wherewith God A

<sup>a</sup> June 25, 1689.

“ might

mighty, nature, education and experience have endowed them, to that very end that they might be useful to their King and country, and therein serve God in their generation." Yet so implacable was the hatred of the ruling high-church clergy to the Dissenters, that notwithstanding the solemn promise of some of their bishops, in the name of the church, before the revolution, notwithstanding the recommendation of King William after it, the Non-conformists, instead of being rendered eligible to offices; instead of being admitted by a comprehension into the bosom of the church, were harassed and oppressed during all his reign<sup>r</sup>, by the

For a more particular account of what relates to the treatment of the Non-conformists in the reign of Charles the Second, and the parliamentary history of the Corporation and Test Acts, consult an excellent performance under the title of *Right of Protestant Dissenters to a complete Toleration asserted*, collected with great accuracy from the journals of the two Houses, the statute-book and other authentic documents.

I here acknowledge, that much of what I have written on the history of the Test Act, has been collected from this valuable pamphlet; and if I have omitted to mark as quotations every paragraph that has been transcribed, in the author's own words, I hope this general confession will be received as sufficient.



same faction indeed that distracted his measures, and drove him almost to the fatal resolution of quitting the kingdom in disgust.

Some men however there were, and of the foremost rank for greatness of character who supported with unanswerable arguments the sentiments of their sovereign, as will appear by the book\* of protests of the House of Lords

\* “ *Because* it gives to a great part of the Protestant freemen of England reason to complain of inequality and hard usage, when they are excluded from public employment by law; and also because it deprives the King and kingdom of divers men fit and capable to serve the public in several stations, and that for a mere scruple of conscience, which can by no means render them suspected much less disaffected to the Government.

“ *Because* it turns the edge of a law (we know not by what fate) upon Protestants and friends to the Government, which was intended against Papists, to exclude them from places of trust, as men avowedly dangerous to our religion and government; and thus the taking the sacrament, which was enjoined only as a means to discover Papists, is now made a distinguishing duty among Protestants, to weaken the whole by casting off a part of them.

“ *Because* mysteries of religion and divine worship are of divine original, and of a nature so wholly distant from the secular affairs of public society, that they cannot be applied to those ends; and therefore the church, by the law

lasting monument of their enlarged and patriotic principles.

So far was King William from effecting his favourite system of comprehension, or of abolishing the test as to Protestants, or of rendering persons capable of holding offices, who should have received the sacrament in any *Protestant congregation*, that with difficulty he obtained the very *imperfect* toleration for such as dissented from the established Church.

Of the gospel, as well as common prudence, ought to take care not to offend either tender consciences within itself, or give offence to those without, by mixing their sacred mysteries with secular interests.

“*Because* we cannot see how it can consist with the law of God, common equity, or the right of any free-born subject, that any one be punished without a crime. If it be a crime not to take the sacrament according to the usage of the church of England, every one ought to be punished for it, which nobody affirms; if it be no crime, those who are capable, and judged fit for employments by the King, ought not to be punished with a law of exclusion, for not doing that which is no crime to forbear. It be urged still as an effectual test to discover and keep out Papists, the taking the sacrament in those Protestant congregations where they are members and are known, will be at least as effectual to that purpose.” *Lords Propositions*, 1689.

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Concerning the desired union between the church and the Dissenters, Bishop Burnet tells us, “ that *a formed resolution of conceding to* “ *alteration at all*, in order to that union “ made that the attempt was laid aside.”

There were different attempts<sup>†</sup> for accommodation in the years 1668, 1673, 1677, 1687, and 1689, by which it appears, that whenever the church thought itself in danger from Papists, the Parliament and hierarchy set on foot a design for ease and relief to Protestant Dissenters; and as soon as all danger ceased after the revolution, it was entirely dropped, though the wisest and best men of the church continued always well disposed to a comprehension.

Concerning the opposition to King William, the Bishop informs us, “ The party “ that was now beginning to be formed “ against Government, pretended great “ for the church, and declared their apprehensions “ that it was in danger. It was “ moreover set up as a maxim, that it was “ to keep up a strong faction both in church “ and State; and they thought that it

<sup>†</sup> Remarks on history of the Test, p. 19.

not agreeable to that, to suffer so great a body as the Presbyterians to be made more easy, or more inclinable to unite with the church. They also thought, that the *toleration* would be best maintained, when great numbers should need it, and be concerned to preserve it; and the church began now to shew *an implacable hatred to the Non-conformists*, and seemed to wish for *an occasion to renew old severities against them.*"

The occasion which was sought for the renewal of persecution of the Dissenters, was greedily seized by the church rulers in the reign of *Queen Ann.* Their spirited efforts in opposition to the prerogative doctrines of the Court in the former reigns, and the beginning of this, and also to the project of restoring the Pretender, had marked them out as objects of political vengeance. Full scope was allowed to their enemies to attack them both in and out of Parliament. Under the auspices of the Queen, the act against occasional conformity, and the Schism Bill, were passed; and it was intended to incapacitate Non-conformists for voting in elections of members of Parliament, or for being elected them-

themselves". In her reign Dr. Sacheverell protected by the Court, uttered from the pulpit his pernicious doctrines, of which being convicted, the progress of this firebrand through the kingdom was contrived to be like that of a martyr suffering in a righteous cause. After this, high-church mobs were not to be restrained; dissenting meeting houses of religious worship were pulled down and their ministers were insulted; and all this violence was connived at by the high-church party, to prepare the way for altering the

\* Lord Cowper, when the *Schism*, or as it was styled, the *Wildfire Bill*, was presented to the House of Lords, said, "That the bill, instead of preventing schism and enlarging the pale of the church, tended to introduce ignorance and its inseparable attendants, superstition and irreligion." The Earl of Wharton also, in his speech on the occasion, said, "He could not but wonder that persons who had been educated in dissenting academies, whom he could point out, and whose tutors he could name, should appear the most forward in suppressing them\*. It was but an indifferent return for the benefit the public had received from those schools which had bred those great men who had made *so glorious a peace*, and treaties that executed themselves. But," he added, "wonder will cease if we consider what *madmen* were contrivers and promoters of the bill."

\* Treasurer Harley, Chancellor Harcourt, Secretary Bolingbroke, the Foleys, &c. &c.



Protestant succession. Had the Queen lived, or had the Pretender been called to the throne after her death, doubtless the toleration of the Protestant Dissenters, in compliment to the Tory faction, had been still farther abridged, if not totally done away.

Their merits and oppressions were not forgotten by *George the First*. Still the temper of the times was not favourable to them. The new Government did not think it prudent to risk too much for the Dissenters, when a rebellion was raging in the heart of the kingdom. When that was suppressed, the utmost they could do for them, was the repeal of the occasional conformity and schism Acts, which they did with difficulty, and not till near five years after the accession. It received the royal assent, Feb. 18, 1719. A clause was introduced into the bill, for rescinding so much of the Corporation and Test Acts as related to Protestant Dissenters, but it was over-ruled by the high-church party. The two Archbishops of Canterbury and York, Robinson Bishop of London, and Smalridge Bishop of Bristol, spoke strenuously against the repeal of the Conformity and Schism Acts.

During

During the same sessions, the Ministers brought into Parliament a bill "for quieting and establishing corporations," on the petition of the Lord Mayor and Aldermen of the city of London to the King. The high-church party, in that and other corporations, were for enforcing the act which passed soon after the restoration, obliging all mayors, aldermen, &c. to sign a declaration against the solemn league and covenant, on a considerable penalty. This solemn league and covenant had however been thrice solemnly subscribed by the religious Charles II. himself; but in the year 1718, it was dead every where but in this famous Corporation Act and its penalty. The friends of liberty prevailed in both Houses, and the act for quieting, &c. received the royal assent the same day with the former\*.

It should be observed also, that in 1718 *part of the sacramental test act itself was repealed*.

\* It may be proper to insert the petition, as it may serve for a copy and precedent to the citizens of London and other corporations, to get rid of the present needless and oppressive Corporation Act. The petition was presented to the King, November 6, 1718.

ended, as far as it concerned persons to be  
guardians for the poor, in an act for erecting  
hospitals

To the KING's Most Excellent MAJESTY,  
The humble Petition of the Lord Mayor and Aldermen  
of the city of London.

*Sheweth,*

That your petitioners are apprehensive of being dis-  
satisfied in the execution of their offices, by pretence of  
subscribing a declaration against the solemn league and  
covenant at the time of their admission into their respec-  
tive offices, pursuant to an Act of Parliament made in the  
seventeenth year of King Charles the Second.

That such subscription hath been generally refused, and  
the said act in that particular for the most part disregarded.

That your petitioners have, in the administration of  
their offices, behaved themselves with all duty and affec-  
tion to your Majesty and your Government; and humbly  
beseege and pray, that your Majesty will give such directions  
and orders herein as shall effectually quiet the minds of  
your petitioners, and enable them to proceed with cheer-  
fulness in the execution of their respective offices, for the  
service of your Majesty, and the preservation of the pub-  
lic peace.

And your petitioners shall ever pray, &c.

His Majesty was pleased to receive them very graciously,  
and to return the following answer.

I am fully persuaded of your duty and affection to me  
and my Government; and I take this application kindly,  
as it is a mark of your trust and confidence in me. I  
shall

hospitals and workhouses at Bristol. Three Bishops signed the protest against this equitable act for guardianship of charities; and it is remarkable, that one of their reasons was “Because this bill repeals a law by which Dissenters were excluded from places and offices in the corporations, and *this repeal* may hereafter be made use of as a *precedent* for abrogating other laws as yet in force, in order to their admission into all places and offices whatsoever.” It is to be hoped, it will not be considered in this more enlightened age, and not be used as a *precedent* for repealing, abrogating, and for ever making void the sacramental test, as a *qualification* for all offices throughout the empire.

The *second* monarch of the Brunswick line was for moderate principles in religion, and strongly inclined to shew every indulgence to the Dissenters.

I shall be glad, not only for your sakes, but my own, if the defects which may touch the rights of my good subjects are discovered in my time, since that will furnish me with the means of giving you and all my people an indisputable proof of my tenderness for their privileges, and how willing I shall ever be to take advantage of their necessities.

In 1745, at the hazard of their lives they defended his crown when it tottered on his head, and their support, great as it was, was unconditional. They raised regiments and independent companies in many parts of England and Ireland, and may be said to have been the only society who could boast the unshaken loyalty of the whole body, without a single exception. What is singular, they were under the necessity of sheltering themselves against prosecution for these spirited exertions under the general indemnity, 1747, as if they had been guilty of the most atrocious crimes. Their zeal was not abated, though two effectual attempts had been made to give them relief; one in 1734, the other in 1739, in which they were deserted or tricked by Sir Robert Walpole, after he had secured their interest in the choice of the new Parliament. Both he and his successor, Mr. Pelham, always countenanced the Dissenters as Church Whigs; but having by money, styled *gratum donum*, or *busb-money* to some of their clergy, and by other arts, secured a standing influence and interest among the leaders, they thought they had no occasion to venture to oblige high-church by appearing openly

D

for



for the repeal of the Corporation and Test Acts.

Upon the whole it appears, that for whatever share of religious freedom the Protestant Dissenters enjoy, they are more indebted to the magnanimity of King William, than to the moderation of the established church whose conduct after the revolution was unbecoming, selfish and narrow: and for the continuance of the system of indulgence and connivance, since the accession of the illustrious house of Hanover, they have been more obliged to the statesmen chosen to direct the national councils, than to the clerical order which has acted on many occasions more like a *spiritual faction* than like the mild unassuming pastors of a reformed and Christian church.

However, the Dissenters ought not to place too much dependence on the present Minister—he being chosen into Parliament by one of the universities, and now appears as one enlisted against them. In one of his late speeches in the House of Commons he hath evidently shewn himself to be the foe, contrary to the sentiments and good policy of his father.

Their reliance must be in the generosity and good sense of the nation at large; in the spirit of inquiry universally diffused; in the prevalence of the doctrine of religious freedom, which is becoming systematical throughout Europe; in the general abhorrence of persecution; in the exploding of all confined notions; and in the belief "that *civil and religious liberty* are *inseparable* in their nature."

The more the arguments are sifted, the greater probability for the repeal of statutes which are no longer justifiable. The abilities of Sherlock, Gibson and Warburton, have not been sufficient to maintain the *righteousness* of test laws, which, when discussed in a religious light by the accurate and candid Goodley, were effectually exposed and eternally disgraced. The late deductions of Archdeacon Paley, a popular writer, from some of the premises of Bishop Warburton, have been quite different and more just. Having allowed that the admission of Dissenters to public employments is necessary to make a toleration *complete*, and also admitted, that no sect of Christians was to be found which held tenets that incapacitated men for

the service of the State, those excepted who refuse to bear arms, he concluded his chapter of religious establishment and of toleration in the following words<sup>z</sup>: “ A comprehensive national religion, guarded by a few articles of peace and conformity, together with a legal permission for the clergy of that religion, and a *complete* toleration of all Dissenters from the established church without any other limitation or exception than what arises from the conjunction of dangerous political dispositions with certain religious tenets, appears to be not only the most just and liberal, but the wisest and safest system which a State can adopt; inasmuch as it unites the several perfections which a religious constitution ought to aim at;—liberty of conscience with means of instruction; the progress of truth with the peace of society; the right of private judgment with the care of the public safety.”

Bishop Warburton admits, that toleration and a test can no more stand together on *common principles* than liberty and persecution and that in the Bangorian controversy, Sher

<sup>z</sup> Paley, p. 586.

lock on behalf of the establishment supported a test law on such reasoning as *destroyed a toleration*. He takes a short view of the absurdities and mischiefs that arise from the hypothesis which builds an established religion and a test law on a *principle of religious truth*, and not on an *alliance between church and State*. The argument is therefore brought within a narrow compass; namely, whether a test be the natural consequence of such *pretended agreement* and founded on *public utility*. Few I believe will now undertake the defence of the Bishop's scheme of alliance, and the following pages will shew, that a religious test or an exclusion is not vindicable on the grounds of utility to the State. It evidently abridges men of their natural rights, deprives the State of the service of many of its best subjects, and exposes the most sacred institutions to be abused by unprincipled and profane persons. Accordingly it is a matter of astonishment to the serious of all denominations in the kingdom, that the bishops and ministers of religion in the establishment, instead of opposing, do not *take the lead* in applying for the repeal of this irreligious act, so disgraceful not only to the nation, but to

themselves, who are forced to administer the ordinance as a qualification to all who come to their altar.

It was the force of conviction, not the effort of party, which brought the numbers on the *last trial* within twenty; unless it was the artifice of the Minister and his friends, to keep such members neuter as were likely to give offence to their dissenting and low church constituents. However, most of the best friends of civil liberty were in the minority: and the greatest part of the majority was composed of church zealots, of university members, of those whose ancestors have been faithful allies to, and have never withdrawn from the banners of despotism, but when their own usurpations, both in church and State, have been in danger.

The moderation of the church is much sounded in our ears. This mildness or forbearance (if it exist) has been forced upon some by the prevailing spirit of the times. The houses of convocation did not shew a disposition of meekness in the Bangorian controversy, and might still be hurried away by fiery zealots were they permitted to sit.

Bishop



Bishop Hoadley<sup>a</sup>, in his sermon preached before the King, asserted the supreme authority of Christ in his own kingdom, and maintained that he had not delegated his power, like temporal lawgivers, during their absence from their kingdoms, to any persons as deputies or vicegerents. He also published a *pre- servative*, in which he advanced some positions against temporal and spiritual tyranny, and in behalf of the civil and religious liberties of mankind. This was the foundation of the Bangorian controversy, which was carried on by his opponents with extreme bitterness and rancour. The lower house of convocation sorely persecuted him, and charged him with "attempting the subversion of all government and discipline in the church," with a view of bringing him under a spiritual censure, and of subjecting him to the weight of a civil one, under the idea of his impeaching the royal supremacy in causes ecclesiastical. Hoadley pleaded for Christ's being king in his own kingdom. His adversaries argued for the translation of his kingdom to certain spiritual viceroys. He was for private judg-

<sup>a</sup>Dr. Chandler's Introduction to Limborch's History of the Inquisition.

ment in matters of religion and conscience they for dominion over the faith and consciences of others<sup>b</sup>. He, against all measures of persecution ; they for penal laws, for *Corporation and Test Acts*, and the powerful motives of positive and negative encouragement. He with meekness, they with malignancy ; so much, that a certain Archdeacon gave it as his opinion, “ that he deserved to have his tongue cut out.”

“ The office<sup>\*</sup> of civil magistrate has nothing at all to do with the religion of minds ; all that is within his cognizance, is the contracts of men ; and his restraints can reach no farther. The very rewards and punishments which he has to apply, are only of a temporal and sensitive, or of a worldly nature ; and because he has nothing spiritual or eternal, that can come either within the ken of his eye, or the grasp of his power, it is demonstrable he has nothing at all to do with the religion of minds.” In short, the conclusions of the understanding, when not embodied in actions, are beyond the limits of human jurisdiction. Therefore† Christ himself, the divine author of our religion, properly and emphatically declared to his apostles, who expected to be invested with temporal power, “ that his kingdom was not of this world, but of the next.”

Christianity

<sup>\*</sup> Religion not the magistrate's province, p. 62.

† Bishop Hoadley's sermon of Christ's kingdom, preached before the King.

Let the clergy boast of moderation in these days, it is still inferior to that of the laity. The heads of the church rejected *twice* a bill presented to them from the House of Commons for the relief of Protestant dissenting-ministers and school-masters. No spontaneous motion ever came from the right reverend bench for a comprehension, for expunging disgraceful statutes, for preventing vexatious suits in ecclesiastical courts, for moderating the penalties incurred by sentences of excommunication, or for making the collection of tythes<sup>c</sup> more easy. “ The State has openly  
“ re-

Christianity\*, so far from enjoining, absolutely forbids obedience to civil government in things purely of a religious nature: it commands us to call no man on earth father or master†; to acknowledge no authority or jurisdiction of any in matters of religion, but to remember that *One*, one only is our master and lawgiver, even Christ; and all Christians are brethren, (i. e.) stand upon an equal footing, having no dominion over one another. Neither the act of Henry the Eighth, ch. 20, nor the existence of spiritual courts are any way necessary for the recovery of tythes—and there being remedies enow to satisfy the priest who has not malice to gratify, a bill was proposed the last sessions by Lord Stanhope to repeal the statute of Henry VIII. and to enact that no suit shall hereafter be brought

\* Towgood's Defence, p. 12 and 13. † Matth. xxiii. 8 and 9.

“ retracted many of the errors of its conduct  
 “ towards sectaries, but the church has not  
 “ in a body disavowed a single one.”

Ea

brought or maintained in any ecclesiastical court for the recovery of any tythes, dues, or other ecclesiastical profits. This bill, so reasonable in its nature, and so necessary to prevent the cruel and vexatious abuse of it in the case of the Quakers, was not sent to a committee by the Lords, under pretence of the lateness of the session (though the House continued sitting many weeks afterwards, to pass acts of the greatest consequence) but probably more from the tenaciousness that the Lords Spiritual have to the preamble of that act, which declares tythes to be of *divine right*, under the following words. “ Forasmuch as divers evil-disposed persons, having no respect to their duties to Almighty God, withhold their tythes and oblations, as well personal as prædial *due unto God and his holy church.*”

The mode of proceeding to recover tythes, dues, and other spiritual profit, by application to the ecclesiastical court, is highly oppressive to all the laity in the kingdom; and with respect to the Quakers, it is rank cruelty, for by means of the court spiritual, every Quaker in the kingdom may, as the law stands, be imprisoned for life, for persons so imprisoned are not to be admitted to give bail. Dr. Burn\* says, “ He that is certified into the Chancery by the Bishop to be excommunicated, and after is taken by force of the King’s writ of *excommunicato capiendo*, is not bailable: for in ancient times

“ m

\* Burn’s Justice, Art. Bail.

Earl Stanhope in the last session offered a bill "for relieving members of the church of England from sundry heavy penalties and disabilities, to which by the laws now in force they may be liable, and for extending freedom in matters of religion to all persons, *Papists* alone excepted." And he informed the House at the same time, that he held in his hand an account of twenty-six instances of people being actually prosecuted in those absurd and cruel statutes. This bill nevertheless was not deemed by the Archbishop of Canterbury<sup>d</sup> and two of his suffragans worthy of being sent to a committee, with arguments that would maintain a Spaniard were excommunicated but for heresies, or other heinous causes of ecclesiastical cognizance, and not for small or petty causes." It is evidently then the extreme of all absurdity, as well as of oppression, to deprive men of their liberty for these "*small or petty causes*," as Mr. Burn well terms them.

France, whose superstition hurried her the first, under Charlemagne, into the imposition of tythes, has given an example to Catholic countries for the getting rid of them, by agreeing to make the condition of the parochial clergy more affluent. Strange to say, this was done at a period when the Parliament of Great Britain had refused even to render the collection of tythes less oppressive.

"*Woodfall's Register.*

nish



nish inquisition in force. They said, "in proportion as they were severe, they were necessary at the time they were passed, to protect the church of England as by law established from the prevalence of Popery. The inquisitors would have said, "from the danger of Jews and Mahometans, who were banished from Spain for the mischief apprehended from them, and that such a law was necessary to discover the concealed enemies of their holy religion."

One argued, "that attendance on religious worship was absolutely essential to the existence of every religion." This is true in fact, Pagan Rome is an example to the contrary; for by the twelve tables no penalty was annexed to the non-observance of public rites; and if we look to other countries, no law will be found to invest the magistrate with such a power. However, the inquisitors would certainly have contended for the propriety of the Bishop's doctrine, and enforced it with their wholesome severity by confiscations and imprisonments during pleasure. The Bishop attempted farther to prove "that it was no less a duty in the Legislature to take care that the public worship

• Bishop of Bangor.

" v

was *duly performed*, than that it was *duly attended*." *Indirectly* it is, by shutting up shops, and by preventing tippling in ale-houses during divine service; but *directly* it is the magistrate's province. If it proves any thing, it proves too much; for on the foundation of reasoning, members of the church ought to be compelled to subscribe articles, to communicate in its sacraments, to join in its creeds, to unite in its denunciations of God's judgments on the first day of Lent, and whenever the Ordinary shall appoint, to cry *amen* to its anathemas—from which the minds of many revolt.

No man can quit the service in the parts he dislikes: "For he who misses either morning or evening prayer, or goes before the whole service is over, is as much within the statute as he who is wholly absent."

Protestant Dissenter therefore, whose non-conformity is no longer a crime, and whose discipline and worship are declared to be *true* within the confines of Scotland, is amenable to this *strange law* of sending into the highways of England, and of compelling as many as shall be found, *the maimed, the halt, and the*

<sup>1</sup> Burn's Ecclesiastical Law, Vol. iii. p. 129.

*blind,*

*blind*<sup>s</sup>, the sectary, the sinner, and the infidel to sit down to the feast of the church.

But were it the magistrate's province to use compulsion in order to force attendance on divine service, Sundays and holidays, is it equally clear, that the Legislature ought to enforce it with the dreadful punishments of confiscation of estate and imprisonment for life? Spanish inquisitors indeed would declare the punishment to be not at all inadequate and so indeed do the English inquisitors, who instead of being shocked at the recital are joining for the repeal, contend for the continuance of such anti-christian, cruel pains and penalties.

If the law remained in force to extirpate heresy by fire, should a mover for the repeal be told, that a man proposing such an innovation ought, after the example of the Lollards<sup>h</sup>, to do it with a halter about his neck? However the holy office would have approved highly of the precedent, on every occasion wherein its own power was at stake and had the church made the pretence would have been for rigidly carrying it into execution.

<sup>s</sup> St. Luke, ch. xiv.

<sup>h</sup> Woodfall's Register.

It is said, "There<sup>i</sup> is no proof extant, that the holding of religious assemblies originated from any precept of Christ, or even of his apostles. The meeting on the first day of the week, when Jesus appeared to his disciples after his resurrection, might have been accidental."

Mention indeed is made afterwards of the apostles assembling on the first day of the week to break bread, and which afterwards grew into a practice: but it cannot be shewn that we have a positive command to make it an ordinance, binding on all Christians for ever. When our Saviour promised his disciples, that "where two or three be gathered together, he would be in the midst of them, and if two should agree to ask any thing on earth, his Father in heaven would grant their petition;" this promise was to the twelve apostles, those to whom he granted the power of remitting sins, which, without the greatest arrogance, cannot be pretended to belong to the subsequent ministers of the gospel. When Christ declared his divine mission to the woman of Samaria, and foretold the approaching destruction of public worship both there and at Jerusalem, instead

<sup>i</sup> Paley, p. 379.

of pointing out the duty of his disciples to make a religious establishment of a particular form with a view of fixing a constitution for succeeding ages, and which constitution consequently the disciples of Christianity would every where, and at all times, by the very law of their religion, be obliged to adopt; all he said was, “ the hour cometh, and now is  
 “ when the true worshippers shall worship  
 “ the Father in spirit and in truth, for the  
 “ Father seeketh such to worship him. God  
 “ is a spirit, and they that worship him must  
 “ worship him in spirit and in truth.”  
 Moreover, supposing that the voluntary assembling of Christians to solace, to succour, to instruct, to inspirit one another was usual, such friendly meetings can have no connexion with ornamented churches, pontifical habits, altars, tythes, anathemas, absolutions, articles and confessions of faith, statutes to compel attendance on the established worship, laws to prohibit useful labour on Sundays; in short with all the human ordinances relating to the Christian Sabbath: and therefore Paley has very strongly declared, “ that a religious  
 “ establishment is no part of Christianity:  
 “ is only the means of inculcating it.”



Neither by what Christ<sup>k</sup> said to the woman of Samaria, when he declared himself the Messiah, nor in his sermon<sup>l</sup> on the Mount, doth it appear that public prayer is an essential duty. The very reverse may be inferred from that admirable discourse. Accordingly the primitive Christians avoided all religious parade, and declared by the mouths of their apologists, an uncorrupt heart to be the most acceptable place of worship to the Divinity. A *common prayer* is therefore an unauthorized thing, and a law to force an attendance on it is an oppression. If the parable of the Wedding Supper<sup>m</sup> is to be interpreted in the strict sense of the words, there is no species of persecution which may not, and which indeed hath not been justified by religious zealots, from St. Austin to the Bishop of \*\*\*\*\*, wresting that passage of holy writ.

After this instance, let the fortitude and perseverance of the Bishops be an unceasing theme, not their forbearance: on which account a like resistance from the same bench may be expected, whenever their concurrence

<sup>k</sup> St. John, ch. iv. 23.

<sup>l</sup> Matth. ch. vi.

<sup>m</sup> Bayle upon the words "Compel them to come in, that my house may be full."

shall be asked for the repeal of the Corporation and Test Acts.

The heads of colleges of the university of Oxford, wrote to Lord North, their Chancellor, to request him to oppose Mr. Beaumont's motion. So instructed, his lordship, faithful to his trust and principles, deprecated any innovation, and made his stand upon the old Tory ground. Let these intrenchments be ever so well defended by the abilities of such a general, they will be found assailable in many parts. Mr. Fox attacked them successfully with all the artillery of his eloquence, in a speech replete with wisdom, and on which occasion he may be said to have surpassed even himself. It may appear presumption in me to attempt to add any thing to his argument. I do it therefore with great diffidence, esteeming myself no more than a pioneer in the army, and thinking it honorable sufficient to serve in any capacity under his banners.

What is the constitution of this country, much boasted of, and which our neighbors are said to be striving to imitate, or rather surpass? The existing form of government under King, Lords and Commons : but religion

and civil government are distinct in their natures. The constitution would not be altered by a change of worship, more than it was at the reformation. The religious establishment, so far as it is settled by human laws, and as to external rites and worldly emoluments, is liable to change as much as any civil appointments whatsoever. So far was Mr. Locke from thinking that the church was interwoven with the State, he held that the church is absolutely separate and distinct from the commonwealth. "The boundaries on both sides are fixed and immoveable. He jumbles heaven and earth together, the things most remote and opposite, who mixes these two societies, which are in their original, end, business, and in every thing perfectly distinct, and infinitely different from each other." The alliance between church and State being then imaginary, most of the arguments of Lord North must fall to the ground; for he maintained, that those who possess power under the church, should not refuse to give a test of their being well affected to it; that the establishment of the

<sup>a</sup> First Letter on Toleration, p. 257.

church of England was necessary to the happiness of the people and safety of the constitution, and that these restraining laws were not to be deemed persecution, but acts of self-defence, necessary to support the ecclesiastical establishment; that if they remove one stone of the bulwark, and made the first breach, no one could say how soon the whole would tumble to pieces, and the privilege and constitution of the church be lost forever; that if Parliament weakened the church they weakened themselves; and that if they abandoned the wise precaution of their ancestors, they endangered the constitution of their country; that it was an ancient maxim that the constitution of England was to be supported by the constitution of the church and that if in compliance to any sects, they changed their system, they changed the constitution of their country for ever. Lastly that those restraining laws were to be justified, not that the Dissenters hold political principles dangerous to the State, “but”<sup>o</sup> “because”<sup>o</sup> cause they are such, whose religious pri-

<sup>o</sup> Words taken from the Commons Answer to Peers, in 1703.

“ ciples are inconsistent with the good and  
“ welfare of the establishment.”

Now the experience of more than one hun-  
dred and twenty years has evinced, that these  
errors of the Tory House of Commons in the  
year 1703, and of his lordship lately, were  
groundless. Can it be denied, that the pre-  
sent Protestant Dissenters pay “ tribute to  
“ whom tribute, custom to whom custom, fear  
“ to whom fear, honour to whom honour is  
“ due,” as punctually, and as conscientiously  
as the most zealous churchman? Was it not  
an arrant libel<sup>p</sup> to assert, on the 30th of Ja-  
nuary, a day on which the high clergy too  
often indulge themselves with indecent in-  
vective, “ that the Dissenters are *ready to*  
“ *catch* at every opportunity to do the esta-  
“ bishment harm?”

“ The entire extinction of the sect of  
“ Presbyterians in England, who are now  
“ become independants as to church govern-  
“ ment, and the strictness with which mul-  
“ titudes of the Dissenters adhere to the doc-  
“ trines of the church, as stated in the

<sup>p</sup> Bishop Halifax’s Sermon, p. 16.

<sup>a</sup> The Right of Protestant Dissenters to a complete  
Toleration asserted, p. 60.



“ Thirty-nine Articles, (a strictness far ex-  
 “ ceeding that with which they are accepted  
 “ in general by the clergy) these two cir-  
 “ cumstances, I say, may serve to compo-  
 “ the apprehensions of the clergy as to an-  
 “ danger from acceding to the present claim  
 “ of the Dissenting laity.”

The arguments of Lord North are fallacious—first, when he supposes the constitution of England and the ecclesiastical establishment the same thing: secondly, when he intimates that those who possess power under the State possess it under the church: thirdly, when he insists that the constitution of the country would be endangered, if men dissenting from the church-discipline were admitted to civil offices.

With regard to the first position, we are authorized to say, from the experiment of several unhappy years, when Archbishop Laud, the father of the high-church clergy, governed this country with a rod of iron, and when the star-chamber and high commission courts were in the zenith of their power, that the church has been triumphant when the State was in ruin. With regard to the second principle laid down, it is not

great

greater sophism to advance, that those who possess power under the State, possess it under the army, than to say they possess it under the church: perhaps less so, for a standing army is a more powerful ally to Government than the church-militant itself. With regard to the third principle, we insist with Mr. Fox, that those who attempt to justify the disabilities imposed on Dissenters, must contend, if they argue fairly on their own ground, not that their religious opinions were inimical to the established church, but that their *political opinions* were inimical to the constitution; and if they fail in this proof, the superstructure of their argument will fall to the ground.

There was a time, when the principles of toleration were little understood, when non-conformity to the external mode of public worship, and non-conformity to the civil constitution of a country was held equally criminal, and consequently equally punishable on the principle of self-preservation falsely applied. This pernicious maxim, embraced by every Protestant state at the time of the reformation, and tenaciously adhered to in this country, is exploded. It is now

acknowledged, that men may differ from the national church and still be unfeignedly zealous for piety, justice, and all those practical principles in which the welfare of the State can be at all concerned. It has been found moreover by experience, that two states may confederate together, may form a perpetual union, and acknowledge at the same time reciprocally that the established religion of each country is equally founded *in truth*.

In the Bangorian controversy it was affirmed, that the Legislature knows of no "religious rights but what are contained in the establishment of the church of England. The fact is, we now know from the highest authority, that the Protestant Dissenters have an *established*, though not an *endowed* church have an ecclesiastical constitution as legally appointed as that which was fixed at the reformation, when Parliament abolished Popery and established Episcopacy in its place.

So far from there being an inseparable connection between church and State, there are those who deny the necessity, and even the propriety of any ecclesiastical establishment whatsoever; who say, that all establishments being on an equal footing as to a legal

Constitutional right, it follows that they do more hurt than good in the world, and promote error rather than truth, because there are many more false religions than true ones.

As subservient to the civil power I shall admit their *utility*; insisting however, that whatever is enacted by legislative authority becomes a part of the constitution, whether it relate to matters ecclesiastical or civil; and therefore the statute of toleration, or any other act of indulgence which may be hereafter granted to Protestant Dissenters, is and ought to be in a legal sense as much a part of the constitution as the established church; they being equally fixed by the same authority, the law of the land.

Moreover, if religion be unconnected with civil government, every form of it ought to be indifferent to the magistrate, unless its members hold tenets which debauch the minds of the people, or propagate political opinions that are hostile to the State. As such the notions of *Papists* are justly reprobated; for those who acknowledge the jurisdiction of a foreign potentate, and the validity

dity of papal dispensations, cannot with safety be admitted to execute offices of trust.

As for the Protestant Dissenters, who are devoted to the present parliamentary establishment, who hold no opinions that can give umbrage to the State, who are as conscientious believers of evangelical truth as any in the kingdom, who adhere even more rigidly to the doctrinal parts of the Thirty-nine Articles than the Episcopalians themselves, there can be no pretence to exclude such men from the power, and deny that they have a capacity of serving their country, under the idea of not being church-communicants. For participation of ecclesiastical emolument they are no competitors; but civil office being distinct from ecclesiastical preferment it is preposterous to contend that no man shall be eligible to the former who doth not participate of the Lord's supper according to a certain prescribed form, which is also a manifest perversion of that sacred rite.

The repeal of the Test Act in Ireland has shewn, that the sacramental test is not a necessary bulwark for the security of a national church.



There is no sacramental test in Scotland, and yet the kirk has not been shaken to its foundations.

Other Protestant churches have subsisted without such exclusion.

By the 13th article of the union of Utrecht, anno 1572, a general liberty of conscience was stipulated for the rest of the allies, Holland and Zealand reserving to themselves the power of making what regulations they should think fit touching religion. This benignant sentiment had made already a part of the pacification of Ghent; and no attempt would ever have been made to disturb the religious union, the very bond of union of the confederated states, had not Maurice, Prince of Orange, conceived, that by fomenting the religious disputes of the Calvinists and Gomarists, and by promoting the synod of Dort<sup>r</sup>, he paved the way to his own ambitious designs, and thus effectually removed from the administration of affairs, competitors more disinterested and more virtuous than himself.

A religious establishment in Holland, with an exclusion of Dissenters from civil and municipal employments, (for commissions in the

<sup>r</sup> 1618.

army

army are still open to men of all persuasions was not the result of wisdom and policy, but of faction and intrigue. Let any one read the subsequent history\* of that country, they will not find that an establishment, obtained by violence and cabal, hath contributed to the peace and security of the republic, and therefore vindicable as a necessary evil; and yet the example of the Seven United Provinces frequently vaunted by the admirers of a test. Luckily for the present Administration, as the remonstrants make no scruple in conforming to the Orange party is not excluded; for it is believed, that the Stadtholder has now more partizans among men of that persuasion than among the Calvinists.

To those who contend that every civilized country must necessarily have an established religion, we oppose the example of China which hath none; and to those who argue that an established worship cannot be maintained but by a regular clergy, we oppose the religion of Mahomet, spread over a great part of the globe. “ ‘The Mahometan religion

\* Gerard Brandt's History of the Reformation of the Low Countries. Le Vassor Histoire de Louis XIII.

† Gibbon, Vol. V. p. 214.

“ destitute

destitute of priesthood and sacrifice. A respectable elder ascends the pulpit to begin the prayer and pronounce the sermon. The order, the discipline, the temporal and spiritual ambition of the clergy are unknown to the Moslems; and the sages of the law are the guides of the law, and the oracles of their faith." In short, the distinction of laity and clergy is totally unknown to every part of the world that acknowledges the Koran. It was unknown likewise to the Greeks and Romans.

In America the 6th article of the union provides, " That no religious test shall ever be required as a qualification to any office or public trust under the United States."

We find in the late declaration of rights which formed the foundation of the Massachusetts's new constitution, " That in this state every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law;

\* Gibbon, Vol. V. p. 273.

" and

"and no subordination of one sect to another  
 "shall ever be established by law\*."

From

\* Free and happy abodes\*, where the worshippers  
 one God can harmoniously join their different forms with-  
 out discord. Where the vocal concert of praise and  
 thanksgiving, composed of different voices†, in different  
 tones, is as agreeable at least as that of a single voice.  
 May no exclusive establishment disturb your peace. May  
 no favourite form of religion insult over the rest. An  
 exclusive establishment is unfriendly to the cause of true  
 religion, that religion which is founded in spirit and  
 truth. When politicians thought that without a religious  
 establishment mankind could not be kept in awe, they  
 had not experienced what American freedom has pro-  
 duced. Christianity did not change its pure complexion  
 for the varnish of a harlot, till men incautiously or wil-  
 lingly gave it a disguise under the forbidden‡ forms of  
 Jewish and Pagan rites. If the division of a state into  
 ecclesiastical and civil be not necessary, it is corrupt, it is  
 burdensome, it produces hypocrisy, ignorance and rancour.  
 There was a *visible* § Christian church three hundred years  
 before there was a *national* one; and religious hatred  
 commenced, at least became incurable, when power and  
 emoluments were annexed to an established form of wor-  
 ship. Superstition soon usurps the place of piety and  
 learning, when pains and penalties are employed to  
 sustain her empire. When the lucubrations of men of  
 reason and philosophy are rewarded with fines and im-  
 prisonment

\* Radcliff's two Letters.  
 the magistrate's province.  
 of subjects, p. 3.

† Bayle. ‡ Religion  
 § Bishop Hoadley's common

From these instances it is clear, that such a weapon of self-defence is not wanted for the security of the church, more than the writ *de heretico comburendo*, or many other statutes that have been since repealed, and which so long disgraced a Protestant country.

The annual bill of indemnity is an evidence of the Legislature's opinion of the unfitness of putting these laws into execution, and though not drawn so favourably as in a former reign, yet it is incontestibly true, that such annual bills are absolutely necessary for the peace and orderly government of the State,

is not the public robbed of many valuable treatises against sophisticated theology and science, which would redound to our glory, and render us benefactors to posterity? By the exercise of inquisitorial powers, was not mankind for ages immersed in the grossest ignorance? And even now, are not dissenting teachers and school-masters liable to persecution, unless they subscribe what their consciences forbid them, and like Judas, betray theiraviour with a kiss? Every man has not the resolution of Socrates—"Were you, said he, to make me this offer, and say we dismiss thee on this condition, that thou wilt not hereafter continue such like inquiries, nor teach philosophy, I should thus reply—O Athenians, I esteem and love you, *but will obey God rather than you*, and while I breathe and have strength, will never lay aside the study of wisdom and virtue."

and



and to save almost the whole nation from pains and penalties. Since the repeal of the acts was solicited, I find myself on examination to have been for many years liable to persecution without knowing that I was so; and I venture to say, none of my colleagues ever qualified, not from obstinacy, but perfect ignorance of their situation. Without the usual relaxation of the test laws, they must have been repealed long ago, for who could endure to see penalties inflicted and disabilities incurred, that so infinitely exceed the proportion of offences they are meant to punish and cannot be enumerated without horror.

The church was very safe and secure before the test was enacted; it would remain undisturbed though it was altered, as secure at least as the law of England can make it.

I see no more danger in the attempt, than there was in the repeal of the *occasional conformity acts*; and if reference be had to the debates of those times, the same arguments will be found, "that the church cannot be so strongly guarded by the magistrate against false brethren and intruders."

What is the church for, that so much anxiety is expressed by religious zealots,

the right reverend bench, and by one, if not both the English universities?

It is either a *spiritual society* of which Christ is the head, who declared his kingdom not of this world; or a *creature of the law*, an incorporation, of which the King is supreme, with dignities and emoluments annexed to it. When anxiety is shewn, the same interested zeal that was exhibited by the silversmiths of Ephesus for their Diana—surely it is not the *spiritual society* among whom the Lord's supper is to be kept in perpetual remembrance to shew forth with gratitude and affection their Lord's death, and ought never to be profaned to secular purposes; but the *visible church*, whose lofty tower lifts to the skies its aspiring head on Gothic pillars, whose inside is loaded with fantastic and unmeaning ornaments, obscured rather than lighted by painted windows, with pointed arches that appear unequal to the superincumbent weight; with walls buttressed to prevent their falling, and would fall but for great estates to maintain its massive structure. As the only support of spiritual Christianity is the blessed Messiah, the Redeemer of the world, who promised before his departure from it, to send the

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Holy

Holy Ghost, the comforter, so the principal protection of the endowed church is the supremacy of a temporal, not always *the most religious*<sup>y</sup> Prince, who is mortal, but who by fiction cannot die ; by criminal compliances and intrigues with whose fallible ministers, more than by supplications to the throne of heaven, men not always the most apostolic arrive at the highest stations of the church.

The principal argument resorted to by the sticklers for the Test Act is, that if regard be due to the tender consciences of Dissenters, still more is owing to the opinions of the members of the church of England, who would think the church in danger from such an innovation.

But a discerning Legislature is not to consult the prejudices of any man or body of men ; their duty is to do that which is right upon the whole. If the King of France, instead of obeying the dictates of his own reason, had hearkened to the inveterate prepossessions of rigid Catholics, he would not have relieved his numerous Calvinistical and other

<sup>y</sup> As it is expressed in the prayer for the two Houses of Parliament.

subjects. On such a pretext, the *dissidents* of Poland were not entitled to milder treatment, or to the enjoyment of those privileges of which they had been unjustly deprived. The Emperor ought to have remained as great a bigot as his mother, and not have admitted "men of different religious persuasions to sit upon the same bench, deliberate in the same councils, or fight in the same ranks." But is it not a satire on the established church to assert, that their peevishness and aversion towards their Protestant brethren approaches so near to intolerance and religious hatred, that it is censured by other nations, less advanced than they in learning and in enlargement of sentiment? Should a man venture to ascend a pulpit and cry "The church is in danger<sup>z</sup>," instead of having followers at his heels, he would be laughed at as an enthusiast or impostor.

More

\* "It is not *our boasting* that the church of England is the best reformed, and the best constituted church in the world,—that will signify nothing to convince others. We of the clergy are too much parties to be believed in our own cause. There was a generation of men that cried "*The temple of the Lord, the temple of the Lord,*" as loud as we can cry *The church of England, the church*

More probably then, this extraordinary zeal breathes the language of interest under the mask of piety: but whether it be the cant of a few, or the interested speech of many, the Legislature, it is hoped, will not be misled by it. An appeal is made to the wisdom of Parliament. The Dissenters know, that the two Houses are liable to be beset by interested men, but if their request be not founded on reason, let it fall to the ground. They trust however, that the Legislature will listen to them with temper, deliberate with dignity, decide with justice, and distinguish between the petitions of wisdom and moderation, and those of selfishness, hypocrisy and ambition.

If such zealots exist, (and I believe they are now extremely few) they will be heard; and to give them the greatest force, let their arguments be graced with all the powers of oratory and persuasion of a learned bench—whilst the Dissenters have truth on their side,

*of England, when yet by their sins they were pulling it down, and kindling that fire which consumed it. It will have a better grace to see others boast of our church from what they observe in it, than for us to be crying it up with our words, when our deeds deny it."* Burnet's *Preface to Pastoral Care*.

they



they flatter themselves, that the prejudices of a few will not prevent the Legislature from passing an act of wisdom and of humanity; I might add, an act of justice, or *an act of duty*; for there is nothing so true, that whatever has a tendency to debase religion, and to diminish political authority through mercenary considerations, loosens the bonds of society and government.

And what is still more essential in a religious view, it is to be apprehended, that a constrained worship of the true God, or a conformity with the purest rite, on a prospect of worldly gain, will lose its reward in heaven. And “though they are criminal who do not resist these worldly motives, yet neither are they innocent who lay the snare in their way.”

Supposing however the sincerity of a majority of the members of the established church to be against a repeal, were not problematical from their silence, but openly professed, though many of its distinguished members have lately stood forth in several counties, and joined the Dissenters in their appli-

<sup>a</sup> Furneaux, end of Letter VI.

cation; who will pretend that religion is a proper test of political sentiments? to which point the investigation must be ultimately brought?

The Legislature is admitted to be super-eminent in all causes ecclesiastical and civil. “ Still whilst it professes Christianity, it cannot *rightfully* make an establishment which shall interfere with the laws of Christ, the great lawgiver of the Christian church; as when it applies any of the Christian ordinances to a purpose quite foreign to their nature and the design of their institution.”

Bishop Warburton<sup>b</sup>, who has defended a test as absolutely necessary for the security of the established religion when there are diversities of sects in the state, declares the *sacramental test* the very *worst* that could be chosen for that purpose, because it is both *evaded* and *profaned*.

If the sacramental test be not absolutely necessary, it is a prostitution of the most solemn ordinance of Christian faith and worship. It is clearly unnecessary, because the object of

<sup>b</sup> Notes on Neal's History of the Puritans, in supplemental Volume of his Works, p. 473.

an oath is merely civil, and in its institution relates to matters that are altogether temporal. It is highly improper for a political purpose, because by refusing the sacrament to an infamous or debauched person (which by his duty a minister ought to do) he may be involved in a litigation to his utter ruin.

But it will be asked, how can the sacramental test be called *unnecessary*, *inapplicable*, and *improper*, when it protected the constitution and the Protestant religion as established by law against the arbitrary designs of a Popish Prince. The answer is, what was done on the spur of an occasion is no longer fit. Some oath or declaration is right, to satisfy the magistrate that those who profess the Roman Catholic religion in this country do not entertain principles that are dangerous to society and repugnant to political and civil liberty.

The Catholic Dissenters (as some are now called) have made a protestation to Parliament, that they reject and detest the position, that princes excommunicated by the Pope and council, or by authority of the see of Rome, may be deposed or murdered by their subjects; they deny in the strongest

terms, that the obligation of oaths may be dispensed with by any spiritual power ; that a priest can pardon perjury and high treason, and that faith is not to be kept with heretics. What is expedient to be done by the Legislature, then, may be to impose an oath, by which Catholic Dissenters, in order to be admitted into the rank of citizens, may solemnly abjure these papistical and dangerous tenets.

The Papists of England were held dangerous to the State whilst a Popish Pretender lived, still the laws against them were infinitely too severe ; such as humanity cannot read without horror. It is earnestly to be hoped, that on their being disposed to take the oaths of allegiance, &c. a greater indulgence will be allowed them than what as yet has been granted, which related merely to the enjoyment of their landed property ; and that with regard to such Catholic Dissenters who are ready to sign a protestation that they abhor the impious doctrines ascribed to them, they may be rendered capable of serving their country, if their sovereign shall think fit to employ them.

A law that is not productive of sensible good effects ought to be repealed. Among  
the

the laws of this description, are put by Paley in his chapter<sup>c</sup> of civil liberty, the laws against *Papists and Dissenters*. He proceeds in another place<sup>d</sup> to say, that "as the connection between Popery and Jacobitism is the sole cause of suspicion, and the sole justification of those severe and jealous laws against the professors of that religion was accidental in its origin, probably it will be temporary in its duration, and that these restrictions ought not to continue one day longer than some visible danger renders them necessary to the preservation of the public tranquillity."

This was repeating in other words what had been said by Blackstone in his *Commentaries*: "If a time should ever arrive, and perhaps it is not very distant, when all fears of a *Pretender* shall have vanished, and the power and influence of the *Pope* shall become feeble, ridiculous and despicable, not only in England, but in every kingdom of Europe, it probably would not be amiss to review and soften these rigorous statutes."

<sup>c</sup> P. 443.

<sup>d</sup> P. 584.

If,



If, says Mr. Locke<sup>1</sup>, “ a Roman Catholic  
 “ believe that to be really the body of Christ  
 “ which another calls bread, he does no  
 “ jury thereby to his neighbour;” and  
 though in the number of Catholics, misguided  
 men may be found who have maintained e  
 roneous principles, like the Bishop of A  
 garve<sup>2</sup>, who published a most detestable wo  
 or have been apologists for persecution, like  
 the author of the life of Cardinal Pole,  
 his defence of Queen Mary; and the French  
 Abbé, who has attempted the apology of  
 massacre of St. Bartholomew, yet why i

<sup>1</sup> Letters concerning Toleration, p. 55, 4to edition

<sup>2</sup> A book was published so late as the year 1753  
 England, to establish the doctrine from decrees of P  
 councils, office of inquisition, and Romish canonists  
 casuists, and to prove that the civil power hath ne  
 control over the ecclesiastical, but the ecclesiastical  
 the civil, and in which even the power assumed and  
 cised by the Roman pontiffs, in the darkest ages, o  
 posing sovereigns, is explicitly asserted and mainta  
 This work is published under the patronage of the  
 of Kings, by the Bishop of Algarve, and is a perform  
 calculated to free the votaries of Rome, not only from  
 obligations of civil, but of divine authority, furn  
 such distinctions, evasions and decisions, with regard  
 most flagitious and even unnatural crimes, as amply  
 instruct men how to commit them with a safe conscie

whole body to be branded for such cruel and exploded opinions? especially when we know, that in Catholic countries liberal sentiments are gaining ground every day, and will continue to spread. Abbé Reynal is as great an enthusiast for religious and civil liberty as can be found. No one has promulgated more benign principles than a Bishop of Soissons, in a pastoral letter, often quoted by Voltaire; and it must be allowed that this sprightly writer, by seizing opportunities, such as the unjust condemnation of Calas, to represent the wickedness and folly of persecution, has prepared his country for that noble plan of a complete toleration, which is now taking place.

In short, "the French writings<sup>b</sup> have long abounded in eloquent lessons of philanthropy, which being conveyed in an universal language, have secretly affected the way of thinking of European authors, and consequently must sooner or later influence the manners of the Western world, and thence of all the earth."

<sup>b</sup> New Principles of Trade,

" If

“ If different religions<sup>1</sup> be professed in  
 “ same country, and the minds of men  
 “ unfettered and unawed by intimidation  
 “ law, that religion which is founded  
 “ maxims of reason and credibility will g  
 “ dually gain over the other to it. I do  
 “ mean that men will formally renounce the  
 “ ancient religion, but they will adopt w  
 “ it the more rational doctrines, the impro  
 “ ments and discoveries of the neighbour  
 “ sect ; by which means the worst relig  
 “ will insensibly assimilate itself to the  
 “ ter. If Popery and Protestantism were  
 “ mitted to dwell quietly together, Pa  
 “ might not become Protestants, but  
 “ would become more enlightened and  
 “ formed ; they would by little and little  
 “ corporate into their creed many of the  
 “ nets of Protestantism, as well as imbi  
 “ portion of its spirit and moderation.”

As to Papists, Judge Blackstone ag  
 “ if once they could be brought to renou  
 “ the supremacy of the Pope, they m  
 “ quietly enjoy their seven sacraments,  
 “ purgatory, and auricular confession ;

<sup>1</sup> Paley, p. 579, 580.

worship of reliques and images ; nay, even their transubstantiation."

When the Papiſts held principles adverse to the constitution, and refused to take the oaths of allegiance ; whilst Non-jurors declined acknowledging the legality of the established Government and a parliamentary title, it would have been an absurdity in the State to intrust men with power who meant to use it to its destruction. But, thank God, that time is past. We are now firmly united in opinion of the blessings and legality of the Hanover succession ; and not only Papiſts, but *Protestant Dissenters*, and *Scotch* who reside in England, whose principles accord the most to that establishment, are debarred from serving their Prince and country either in civil offices or the army and navy—effectually debarred unless they betray their consciences and renounce their religious faith. The test indeed is no bar to an unprincipled and vicious man, but it is to the conscientious and meritorious ; to a mind strongly imbued with a sense of his religious duty, and is therefore more deserving of public trust and private confidence.

“ Penal

“ Penal laws<sup>k</sup> for the direction of faith and  
 “ conscience, can affect no one living except  
 “ honest men. All the inconvenience that  
 “ arises from them falls only upon the un-  
 “ right and conscientious subject, while the  
 “ are often advantageous to villains and  
 “ knaves. So that instead of being just and  
 “ equal, instead of using the same language  
 “ and authority to all; they threaten to  
 “ punish those only whom the State ought  
 “ chiefly to defend. Nor is it possible, that  
 “ laws of this kind should operate in a different  
 “ manner; for penalties, which are  
 “ signed only to affect the reason and consciences  
 “ of men, can never hurt those who  
 “ pay no regard either to reason or conscience.”

These laws affect in a particular manner  
 the conscientious Scotch, by depriving them  
 of a participation of employments civil and  
 military, paid out of the common purse of the  
 united kingdom; or they subject those of the  
 kirk, who accept offices in England, to  
 the grievous penalties that are inflicted on

<sup>k</sup> Fell's justice and utility of Penal Laws, p. 28  
 36.



basest of mankind, on the most perjured deliberate villains.

The true design of the act of union was to secure the constitution of the national churches, and to prevent any change or alteration of their form, or, as the act expresses it, "of the doctrine, worship, discipline and government of them." So far from tying up the hands of the Legislature from repealing the Test Act, the Scotch had encouragement given at the time of the union to expect it; and until it is done, they have reason to complain of an unjust preference obtained by England, from a monopoly of employments in its own church; and supposing some of them to conform in order to participate of office, the grievance is only so much the greater, if of these any are induced to comply, making shipwreck of their faith and consciences.

Is the Court apprehensive of Scotch Presbyterians? There are not to be found better friends of regal government and of the prerogative of the Crown. For some time they remained under the imputation of Jacobitism, but never of levelling principles, or of an attachment to democracy. This stain however being wiped away, and forfeited estates restored,

stored, and permission being given to wear their favourite dress; nothing remains but to make the union complete, by taking off the test, and by drawing the cords of affection between the two countries as tight as possible.

By the edict of Nantes, the Hugonots of France formed a kind of independent state, a government within a government. This capitulation in their favour arose from the acute sense of former injuries, and of the most treacherous conduct of their enemies. The mildness of Henry the Fourth contributed to its confirmation, who, though he had renounced the Calvinistical profession in which he was bred, to mount the throne, yet retained an affection for its adherents, and was not sorry to have them secured against future attempts. One of the strong measures of Cardinal Richelieu's administration, was to break to pieces the power of the Calvinists. Their strong places were wrested from them, and if any thing remained to them inconsistent with the power of the State, it is not to be wondered that Lewis the Fourteenth, jealous of his prerogative, and whose minority had been disturbed by civil broils, should be anxious to resume it. The persecution, how-  
ever,

ever, to which he was prompted by an un-  
 manly bigotry, and domineering cruel priests,  
 was that of a merciless tyrant. For a hun-  
 dred years the Hugonots have remained out  
 of the protection of the laws; have had no  
 civil existence, their property insecure, their  
 matrimonial contracts invalid, their children  
 bastardized, and all of them liable to the se-  
 verest punishments for the secret exercises of  
 their religion. Some mitigation indeed has  
 been given to the severity of these laws; a  
 few restrictions and incapacities have been  
 taken off; and if it be asked why more was  
 not done in their favour in 1787? the answer  
 is, that they had to combat with the bigotry  
 and prejudices of priests and judges, and that  
 there does not exist a more selfish body than  
 the Parliaments of France. Whereas the  
 majority of the National Assembly is com-  
 posed of real patriots, who consider religious  
 and civil liberty to be inseparable in their na-  
 ture; and from their late resolutions, a com-  
 plete toleration will be made the basis of their  
 new constitution.

In proportion as the progress of learning  
 and inquiry advances, ought to be the free-  
 dom of toleration; but the fact hath been

G

other-

otherwise in this country. Interest, not reason, too often governs public deliberation; caprice, not argument; passion, not philanthropy.

Some few persons are to be found, like Dr. Johnson<sup>1</sup>, who, endowed with great parts and embellished with learning, yet under the dominion of superstition, are intolerant in principle, and have a rooted dislike to those who dissent from them and the established church;—an exuberance of zeal is always accompanied by uncharitableness. To appeal to the moderation of such prejudiced persons is not the intention of this address; for the author hath observed, that these men disclaim persecution in words, yet admit the utmost latitude of it in principle and effect. From such men, scorn and irony have been hitherto experienced; and as if all weapons in such warfare were lawful, they have not disdained to resort to ill-founded allegations and false assertions.

They insinuate, that Dissenters from the church may, by their fanaticism, become dangerous. The Protestant Dissenters maintain

<sup>1</sup> See his Biographers.

indeed, that the scriptures only are the rule of faith, and that every man by searching, is to judge for himself, according to the light which God has given to him. They disapprove of any test of a religious kind imposed by human authority, but think it their duty to obey the civil magistrate that is set over them in temporal matters. Is this maintaining that *dominion is founded in grace*? It is the very reverse. In a word, their principles with respect both to ecclesiastical jurisdiction and civil government “<sup>m</sup>are precisely the same, which the late Bishop Hoadley advanced and supported in an unanswerable manner;” and if it be held a crime to maintain such principles, they plead guilty to the charge.

Though the address be now made to an enlightened Legislature, yet such is the influence of settled opinions and habits; so indolent is the age, unless impelled by strong motives; so averse are Ministers of State from all business which does not press upon them; that the reasonableness of this application, which cannot be overborne by clamour, may

<sup>m</sup> Furneaux, Letter VII.



sink, unless prevented by the friends of liberty, into a hopeless languor, and die away in a lethargy.

If the feelings of a public body could be roused like those of an individual, the contest would not be long, and the repeal of the act in question (which I should call the triumph of reason and humanity over selfishness and imposture) would soon be granted. But the fact is, that those acts of violence and oppression, at which a man would shudder in his individual capacity, seem to lose the greater part of their cruelty, when considered as the resolves of a numerous assembly. Of the present harsh acts, or a refusal of justice to abolish them, a member consoles himself, that he is only a part of a majority. Of former violent proceedings he acquits his conscience by thinking that he had no share in them, as if to suffer them to remain in force were not a *transgression of his duty*. Apply this observation to the severities in religion, and it will be found, that the utter contempt of persecution, and the philosophical and unbounded toleration of opinion, have never yet distinguished the practice of nations. "They serve only to illustrate the capacity and vir-

“ true of those rare and singular individuals,  
 “ who are the favourites of heaven, who feel  
 “ a superiority over the herd of the species,  
 “ and enjoy and exercise the fullest powers of  
 “ the understanding, and the best affections  
 “ of the heart.”

Pennsylvania has been quoted as an example of unlimited toleration. It is, however, to be observed, that such a general liberty was not the original constitution of that province : and it was not till after the province of Rhode Island had protested against all persecution, and allowed a general toleration, that the Pennsylvanians granted the same indulgence.

Williams°, the famous Minister of Salem, was the first to disapprove of the rancorous persecution with which the American exiles sustained their love of liberty, on the principle that it was irreconcilable with a true spirit of freedom for which they left their native soil. He insisted for liberty of conscience to Armenians, and even to Papists ; and gathering to-

\* Dr. Stuart's History of the Reformation of Religion in Scotland, 4to. p. 193.

\* Chalmers's History, Vol. I. Book ii. ch. xi.

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gether a separate society of his followers in 1634, he excited the jealousy of Government. It was in vain that the ministers of the other churches remonstrated against the irregularity of his conduct. He disavowed their futile distinctions, such as these, that they did not persecute, but punished heretics<sup>p</sup>; that the

<sup>p</sup> Persecution in those days was not deemed wrong in itself. It originated in a generous though mistaken principle in some, that as there was but one faith, one true religion, by which men could hope for salvation, it was not only lawful but meritorious to compel them to embrace it by any means. Others more rigid, believing that their sect possessed all truth, and that any tenet differing from theirs was a dangerous error, they were led to think that when power was lodged in their hands, not to make use of it in the cause of truth would offend God, whom they supposed an enemy to heresy. Nay, more; to permit error was to partake of it.

A permission to incur damnation by religious error was, in the reign of Charles the First, stiled in the quaint language of the times, a *toleration for soul murder*. The House of Commons in their famous remonstrance, took care to justify themselves from the imputation of such feeble indifference; and it is to be remarked, "that of the hostile sects, the Independants were the first, which during its prosperity as well as adversity, adopted the principle of toleration\*."

\* Hume's Charles I. ch. 8.



did not persecute *for* conscience, but corrected them for sinning *against* conscience : and being found incorrigible, he was banished from the jurisdiction of the Massachusetts as a disturber of the public peace. But not being abandoned by his mild disciples, a settlement was established Southwards, which was naturally called *Providence*, where, for almost half a century, Williams continued to rule, employing himself continually in acts of kindness to his prosecutors, affording relief to the distressed, offering an asylum to the persecuted ; and thus realized in practice, what has been so often proposed by theorists for mighty nations.

No wise governor voluntarily drives away subjects to carry off with them arts, industry, and commerce ; but uniformity in religion was then deemed the only bond of political union, and in the scale of national strength was esteemed of more consequence than an increase of riches and population. It is only of late that men have been weaned of these inveterate prejudices. The first emigrants to Pennsylvania planted in the woods of America the intolerant notions of Europe ; they were

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prompted by their favourite preachers to retaliation; their resentments were sharpened by what they had seen and experienced in their mother country; and it was only by degrees they were induced to depart from their excluding system for one more generous and complete. To gain settlers, they proceeded to attract men of different persuasions, they boldly enlarged their pale, and finding the advantages of it by increase of strength and population, they passed those laws, and brought their system of religious indulgence to that degree of perfection, by which it has become the envy and admiration of the world. They have shewn, by facts more powerful than arguments, that the harmony of a state may be preserved, and the prosperity of a country be secured, by the magistrate's preferring no one particular mode of faith to another; by his imposing no test to fetter the minds of the inhabitants, and prevent their common exertion for the public good.

The Protestant Dissenters of England ought not to be considered as hostile to our happy constitution in Church and State, because certain fanatics in the last century strove to establish the dominion of grace. A

military

military force indeed, under an aspiring general, at last overturned the regal government, and brought the King to the block, but with it subverted the freedom of Parliament itself.

Will it be contended that the parliamentarians, composed of episcopalians as well as puritans, (for Pym and Hampden were churchmen) had no merit in their opposition to the Ship Money, to the Star Chamber, and High Commission Court, in the arbitrary reign of that unhappy prince? Is it meant to brand the memory of those, who spilled their blood in defence of the constitution, with infamy? The destruction of episcopacy made no part of the causes of the civil war. The Scotch made it a condition of their success, when the English parliament were in great distress from the progress of the King's arms, and sent commissioners to Edinburgh with ample powers to treat: When the sword is drawn, who can foresee all the consequences of such unhappy contentions? The wisest man could not pretend that the Scotch would be applied

\* Hume's Charles I. chap. vii. p. 365.

to,

to, and if he could, that they would make the abolition of episcopacy in England a condition *sine quâ non*. It was an attack upon the civil liberties of this country, not recent, but of long continuance, which occasioned the misunderstanding between the king and his parliament, and produced an appeal to arms; and so great was the incivility of the times, that the sword could not be sheathed, because it was believed that dependence could be placed in the king's promises.

Of the parliaments previous to 1641, and indeed of that very parliament, the majority of the members were of the established church. Had Charles satisfied the representatives of his people, touching illegal impositions, and executed the laws upon Papists, he might have continued the High Commission Court to punish sectaries, and have reduced them to as low a condition as they were even at the reign of Queen Elizabeth, when they complained without any effect, but had no opportunity to quit the kingdom, to give vent to their lamentations.

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"There is no instance to be found of any sect, which dissented from the established mode of worship in any country, having been the means of disturbing the general tranquillity, unless they had been treated with cruelty, and injured in their rights, as citizens and men." A popular cry may go forth, "but there is but one thing which gathers people into seditious commotions, and that is oppression."

However, admitting that among the puritans of the last century (to whom, by the confession of Mr. Hume, "we owe principally the whole freedom of the constitution," when the house of Stuart was endeavouring to fix on this realm despotic rule) there were some republicans, and declared foes to an episcopal, lordly hierarchy, does the description of dangerous schismatics apply to any sect of the present Dissenters? Are they not as peaceable and conscientious admirers, and zealous promoters, of the constitution

Lord Chatham's answer to Dr. Price, in return for a treatise on toleration which the Doctor sent to his Lordship.

Locke on Toleration, Letter I. p. 272.

History of Queen Elizabeth, p. 527. 1st edit.

established



established by the Bill of Rights, as any man matriculated at Oxford or Cambridge? And supposing it true, that better lectures are delivered on the constitution in the universities than in the seminaries of Dissenters, who are to blame but the Legislature itself, that refusing degrees to those who do not subscribe the Thirty-nine Articles, exclude youth, not of the established church, from the national universities?

But I concede too much when I say better lectures on the constitution are delivered in the university schools.

It is well known that Judge Blackstone's opinion, concerning the act of toleration, "that it only freed Protestant Dissenters from the *penalties*, not from the *crime*," "Non-conformity," was erroneous; and the act grounded on a solemn decision of the House of Lords 4th of February, 1767, in the cause of the city of London and the Dissenters.

It was found moreover that many of his notions concerning toleration were by no means liberal, and that he was obliged to abate from the asperity of his expressions, in many passages in subsequent editions, from

the criticisms of authors, especially Furneaux  
his seven letters addressed to him. Still  
these elegant commentaries on the laws of  
England, purged as they have been, favor  
too much of high church intemperance and  
cal.

The judge is decidedly for punishing He-  
resy, yet he admits that Heresy ought to be  
*strictly defined*; as if we stood in need of any  
standard of faith, except the sacred oracles  
themselves, and, as he added, "that no per-  
secution, even in the ecclesiastical courts,  
should be permitted, till the tenets in  
question are, by *proper authority*, previously  
declared to be heretical;" the omniscience  
and omnipotence of parliament were, in his  
conception, equal and competent to the un-  
dertaking; but without a shadow of reason:—  
for as councils have been at variance\* with  
councils,

\* It is \* absurd to call general councils *public wisdom*;  
for in those assemblies the best and most moderate men  
we never had the ascendancy; and it is blasphemy to  
pronounce them inspired by the Holy Ghost.

The more we examine, the more we shall be inclined  
to judge, that the council held by the apostles † at Jerusa-  
lem, was the first and last in which the Holy Ghost may  
be affirmed to have presided.

\* Jortin iii. 65.

† Beausobre ii. 238. Jortin iii. 56.

councils, fathers of the church in opposition to fathers and saints, where shall we find infallibility for so arduous an undertaking

Gregory Nazianzen\*, a man of learning, a Christian a bishop, and a father of the church, reckoned among the best and worthiest† of the fourth century, informs us that for his part he ‡ chose to avoid all such assemblies because he never saw that they had good success, and that they did not rather increase than lessen dissensions and quarrels; for the love of contention, and the lust for power, were too great even for words to express. He censured particularly the second general council held at Constantinople, styled by *Cave*, Venerandum Concilium Œcumenicum.

In the century in which Gregory wrote, were held thirteen councils against Arius, fifteen for him, and seventeen for the Semi-Arians: in all forty-five. The farther we go down, the worse they will appear; decisions were generally owing to Court || practices, to intriguing statesmen, to thirst of revenge, to the management of a crafty interested bishops, to noise and tumults, to arm force, to prospect of episcopal translations and promotions. In short, they were the result, not of wisdom and moderation, but of ambition, avarice, and cabal. Even Bish Burnet hath allowed that they were not constituted by divine authority.

Joseph Scaliger\* called them *conspiracies*, and so they properly were—conspiracies of the clergy against the laity.

\* Jortin v. 333. † Le Clerc. ‡ Epist. 55. § Jortin iii. p. 106. || Chandler's Introduction. \* Le Clerc's A Crit. i. 430.

the decision of Heresy? Where an unerring guide to the kingdom of heaven, but the word of God, dictated by his holy spirit?

The fathers of the church were not agreed: What folly, then, to attempt to establish articles of faith, or even interpretations of Scripture, from their homilies and works? Some of them had a public and private opinion<sup>y</sup>. St. Augustin, for instance, delivered things in his sermons in a peremptory manner, of which, as it appears from his letters, he was very far from being assured.

If Pagan<sup>z</sup> philosophers were left to examine the fathers, and determine what were their real sentiments on most controversial

Of the first four general councils, absurdly called *universal*, and of the characters of the men who conducted their proceedings, the inquisitive reader may find sufficient in Jortin's Remarks on Ecclesiastical History, in Gibbon's History of the Decline of the Roman Empire, in Mosheim's Ecclesiastical History; or for such as will be satisfied with a summary account, let them consult Dr. Chandler's \* Introduction to Limborch's History of the Inquisition, or Dr. Furneaux's Notes to Letter IV. p. 98.

<sup>y</sup> Jortin iv. p. 97.

<sup>y</sup> Ibid.

<sup>z</sup> Bayle.

\* p. 101.

points,

points, they would be puzzled to decide probably would reject their testimony intire for the contradictions to be found in them. The way the Catholics attempt to account for their variations of sentiments, is this, that they had one language for the vulgar, and another for strangers, and another for the faithful.

If, as to a superior and more infallible judge than the holy writ, we are called upon to *reſign our private reaſon to public judgment* do we render our condition better? Muſt we not be Calviniſts in Holland, Lutherans in Germany, Episcopalianſ in England, Greek at Peterſburgh, Muſſulmen at Conſtantinople, Papiſts at Rome<sup>a</sup>?—The judge approves of the legiſſature, on behalf of the national church, to which he belongs, having enacted penal laws againſt *any crude undigeſted ſentiments* in religious matters. Reſorting nevertheleſs to the magiſtrate for ſomething not in *his province*<sup>b</sup>, you are as like

<sup>a</sup> Furneaux, p. 53.

<sup>b</sup> Paley contends, “ that the ſovereign power of the ſtate may deprive me of liberty, of property, and even of life itſelf, on account of my religion, and however

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to be on the side of error as of truth. Nay!  
more likely; for there are odds against any

I may complain of the injustice of the sentence by which I am condemned, I cannot allege that the magistrate has transgressed the boundaries of his jurisdiction, because the property, the liberty, and the life of the subject, may be taken away for any reason, which in the judgment of the Legislature renders such a measure necessary to the common welfare." In answer to this, I say the governors and governed are not left without a common judge, and his revealed will to resort to for their line of duty in spiritual matters.

The Archdeacon thinks it a fault also in political writers to separate too much the law of nature from the precepts of revelation, and therefore in the fourth chapter of the sixth book, he treats of the duty of civil obedience, as stated in the Christian Scriptures, in order to shew that *Christianity left us where she found us*. Now, supposing he had searched the scriptures to know whether the magistrate had a right to use his discretion in matters of religious restraint—he had been as usefully employed as in the other inquiry; but the result of such investigation had been against his position in the chapter of religious establishment and of toleration, that such a right and authority was intended by the benign author of our religion, to reside in any earthly power.

As his conclusions are always liberal, he ends, "that the confining of the subject to the religion of the state, is a needless violation of natural liberty, and an instance in which constraint is always grievous." He\* might have added, it is against the tenor and precept of the gos-

\* p. 580.

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\* p. 580.

human creature coming into existence, that he shall not be born in London to partake the decision of king, lords, and commons, what pertaineth to his salvation.

Let the magistrate have a right to choose a religion, and to endow it, but not to decide on articles of faith, to impose creeds, and to declare those that differ from his orthodoxy, *Heretics* and *Schismatics*, to be oppressed by pains and penalties, or by what have been called with a view to abate their odiousness, *moderate* and *convenient* penalties. "Conscience," said the inimitable Lord Mansfield in the cause alluded to, "not controllable by human reason, not amenable to human tribunals."

However, the judge will tell you that it is not fit that there should be penal statutes against *Deists* and *Arians*. But there was a time when almost the whole Christian world was Arian—when Arianism was maintained by a numerous council. Admitting the Arian

\* The council of Ariminum, or Rimini, held at Constantinople in the year 359, was composed of more than four hundred bishops; because this council, and others of the same complexion, rejected the consubstantiality of the son, not admitted by a former council of Antioch.



be in an error, it is a mistaken notion, a heterodoxy to be overcome by argument and scriptural authority, not by fine and imprisonment, still less by the arms of flesh used in the fourth century, and too frequently employed since. If the Deists and Arians load their adversaries with abuse, they are highly reprehensible for resorting to such improper weapons; the orthodox, however, would be much more to blame, to endeavour to silence their opponents by the weight of the secular arm; "for if there be a way upon earth to render a doctrine suspected, it is to enforce the belief of it by pains and penalties<sup>d</sup>." They say, indeed, that those laws are held out only in terror: now all such laws of menace, like the threats of bullies, not meant to be put in force, are absurd in the highest degree—a law not proper to be executed, is a disgrace to the statute book, and encumbers it with useless trash.

They have been considered by the orthodox as of no account in the list of councils, and called *conciliabula*, not *concilia*. Notwithstanding which, at the close of the fifth century Arianism was the ruling religion in the West—Aquitain, Burgundy, Italy, Spain, and Africa\*.

<sup>d</sup> Grotius de Verit. R. C. Lib. II. § 7.

\* Fleury viii.



Shall we speak of unbelievers? it is their misfortune, as to many, not their fault. You might with as much propriety refuse to admit to the privileges of society those who are born lame, or become blind. But is it a fact that those who have not been convinced "by the light of the Gospel, have renounced the immutable obligation of natural religion? Was David Hume not only an example of infidelity, but of loose morals and faithless conduct? Was he an ornament of his country, or a *miscreant* to be punished in an exemplary manner? In the agonies of death he shewed he had a pure un sullied conscience and met his dissolution, so tremendous to the

\* But the truth is, many who profess not to believe in revelation, may possibly believe those principles as firmly as some nominal \* Christians, whose depositions on oath are not scrupled in courts of judicature. The belief of God, the moral governor of the world, the searcher of hearts, the infallible judge, rewarder and punisher of human actions, is the only foundation of a judicial oath and if men do believe these articles, though they believe them upon reasons independent of their "being clearly revealed in the doctrines of Christ;" they ought not to be made liable to punishment. ' Dr. Smith's account

\* Furneaux, Letter II.

wicked, with as much composure as Judge Blackstone himself.

“ Persecution produces no sincere conviction, nor any real change of opinion ;  
 “ on the contrary, it depraves the public  
 “ morals by driving men to prevarication,  
 “ and commonly ends in a general, though  
 “ secret infidelity, by imposing under the  
 “ name of revealed religion, systems of doctrine which men cannot believe, and dare  
 “ not examine : finally it disgraces the characters, and wounds the reputation, of  
 “ Christianity itself, by making it the author of oppression, cruelty, and bloodshed.”

If this country can boast a superiority over their neighbours, it is to be ascribed to the spirit of enquiry, and to the freedom of the press, “ which the lenity of the times,  
 “ more than the law, hath allowed, and  
 “ which the bigotry of a few, with the true  
 “ spirit of persecution, hath not been able to  
 “ suppress.” The mildness of the present national character is more forcible than one hundred statutes, and hath suspended the

† Paley, p. 581.

‡ Essay on Toleration, p. 45.

operation of many, by making the exertion of the magistrate, on account of difference in opinion, too odious to be attempted, but which in times of another complexion would be carried into rigorous execution.

This freedom has not only been favourable to religion and morals, but to trade, manufactures, and science, in a word, to the prosperity of Great Britain: and God forbid that an aspiring and inquisitive disposition, so beneficial to the state, should be lost again by the force of prejudice, and by a timid and unreasonable system of religion.

The judge will tell you, "that freedom may degenerate into licentiousness, and to speak ill of the ceremonies of an established church is a public offence." To interrupt the service indeed is a breach of the peace, and punishable as such; and to revile the liturgy with indecency and petulance, or to treat with scurrility any formulary of worship, is such an instance of ill manners that deserveth contempt, but is not an object of punishment; for whilst private admonition and rebuke, or public disapprobation, are sufficient to repress acts of illiberality and folly, let not terror be employed. But per-

haps

perhaps it will be found that you cannot speak with dislike of the common prayer, or push objections to particular parts, without falling within the strict words of the statute: for, to reason against it, may be held by an enthusiastic jury and a willing judge, as speaking open words in derogation of it.

Would not Judge Blackstone, in a charge to a jury, after the summing up of evidence, have repeated the sentiments he avowed in his Commentaries; namely, "that the Dissenters were peevish and opiniated men; that they separated from the church upon matters of indifference, or in other words, upon no reasons at all; that their virulent declamations against the liturgy, on topics so often refuted, and of which the preface to the common prayer was a perpetual refutation, could be calculated for no other purpose than merely to *disturb the consciences, and poison the minds of the people.*"

So much stress being laid on the sacredness and perfection of the common prayer, it may not be amiss to give shortly the history of the several forms of it, since the reformation of Henry VIII. down to that formulary



which we are forbidden to censure, to despise, to speak in derogation of; premising that there were no liturgies in the first four centuries of the Christian Church, those which bear the names of Peter, James, Matthew, and Mark, being undoubtedly spurious.

'The act of the 2d of Edward VI. established a common prayer, which by the law was boldly if not impiously declared to be produced by the *aid of the Holy Ghost*. In <sup>k</sup>three years afterwards, another act was passed to explain and *make fully perfect* what was previously said to be dictated by the spirit of truth. The 'act of the 1st of Elizabeth revived the Act of Uniformity of common prayer, repealed by the 1st of Mary, and made alterations and additions in a thing *made fully perfect before*. This heterogeneous composition, then set forth as *divinely inspired*, was made *more perfect by human authority*, and when *declared fully perfect*, was altered and *received additions* by a subsequent act of parliament, and still *made subservient to* *corrected and amended by the queen<sup>m</sup>*, with ad-

i Cap. i.

i Cap. ii.

<sup>k</sup> 5th and 6th of Edward, cap.

<sup>m</sup> 1st Eliz. c. i. § 26.



vice of her commissioners, authorised and appointed, under the great seal of England, for causes ecclesiastical, or of the metropolitan of the realm<sup>a</sup>. There are statutes still in force which inflict penalties for not attending divine service, in this curious manner prescribed by law<sup>b</sup>, from one shilling for the first offence, up to the forfeiture<sup>c</sup> of two-thirds of the real property of the offender. And as if fines were not sufficient, any person refusing to repair<sup>d</sup> to church, shall be present at any assembly, meeting, or convention, under pretence of any exercise of religion, shall be imprisoned until he conform; and if he shall not conform in three months, he shall abjure the realm, which if he shall

<sup>a</sup> In the Lords protests of 1689, they declared that the liturgy and ceremonies of the church of England, which had their establishment from king, lords, and commons, were merely of *human constitution*, and therefore there was no reason why the commissioners for altering any thing in the civil constitution, should consist only of clergymen, unless it be supposed that *human reason* is to be quitted in this affair, and the *inspiration of spiritual men* to be only depended upon."

<sup>b</sup> 1st Eliz. c. ii. §. 14.      <sup>c</sup> 3d Jac. c. 4.      <sup>d</sup> 23d Eliz. c. i. different reports cited in the margin of Statutes at Large, edit. Ruff head; Burn, article, Dissenters.

refuse

refuse to do, or after abjuration shall not go or shall return without license, he shall be guilty of felony without benefit of clergy and whether he shall abjure or not, he shall forfeit his goods for ever, and his lands during life.

Judge Blackstone thinks that there are *political reasons which render it extremely unadvisable to make any alteration in the liturgy*. Consistently with himself, he would, if not alive, have contended, that all the laws offered to be repealed by Lord Stanhope's bill, and all the penal statutes against Popish recusants (laws which he has acknowledged, are too severe to be executed, and which Mr. Mordaunt's new bill proposes to abrogate) ought to be maintained; for all these laws were enacted in defence of the establishment, when assistance from church alone, and unaccompanied by any other act, constituted recusancy. I find no fault with the Judge for considering the liturgy a perfect work, but for calling Dissenters *arrogant and ungrateful* who happen to be otherwise minded; nor can I allow, that I am guilty of *indecent arrogance, or ingratitude* in pronouncing that there are contradictions, and errors in the common

common prayer, when the brightest ornaments of the church have thought so and laboured for its reform.

Tillotson, Stillingfleet, Burnet, Patrick, Sharp, Tennison, and others, distinguished in their time, acting under a commission\* from King William, prepared very considerable alter-

\* King William issued a commission\* to ten Bishops and twenty Divines to prepare such matters as required amendment for the consideration of the convocation. Two Bishops and two Divines, dissatisfied at the first meeting, left their brethren, who proceeded *unanimously and without dissent*, (as the best accounts inform us) to determine on the points which they should propose to the house of convocation for amendment. More than twenty of these are handed down to us, and each particular article, when agreed to, was signed by Compton, Bishop of London.

Thus it is evident, that these great ecclesiastical authorities perfectly agreed with the former metropolitan (Sanctus) both in the lawfulness and the expediency of the measure.

Were another commission to be issued, the greatest benefit to his religion need not be alarmed at the idea of innovation. Let him attend to the first words in the preface to every common prayer, and he will find, "that it has been the *wisdom of the church of England*, ever since the first compiling of her liturgy, to keep the  
" mean

\* Hints to the new Association, 1729,

alterations and improvements in the liturgy that are highly commended by Dr. Nichols', and which Mr. Neale, in his history of the Puritans, faith", would if they had been adopted, have brought in three parts in favour of the Dissenters; and this author was a good judge, since no one better understood their principles and disposition. However, at the convocation, when the matter was laid before them by a message from the Crown<sup>s</sup>, resolved to enter into no debates about alterations

" mean between two extremes, of too much *stiffness*  
 " *refusing, and of too much easiness in admitting any variations from it*, the particular forms of divine worship  
 " and the rites and ceremonies appointed to be used  
 " therein, being things in their own nature *indisputable*  
 " and alterable, and so acknowledged."

In fact, from the reformation to the year 1661, when the common prayer was settled as we now have it, it underwent alterations no less than eight times.

Four successive Archbishops, namely Sancroft, Tillotson, Tennison and Wake, and two Bishops of London, Compton and Gibson, have given their opinion in favour of a revision. Among the unmitred clergy, Mr. Clark and Archdeacon Paley\* will be found of the same sentiment; the latter particularly is for *occasional views*.

\* Defensio Ecclesiæ Anglicanæ, p. 94.

" Vol. ii. p. 804.

\* Burnet's History, anno 1689.

\* p. 350.



would return no answer to that part of the King's speech; and could hardly be brought to thank him for his promise of protection. There have never wanted divines noted for their piety and learning who have been anxious for a revival; but neither the honest scruples of some, nor the *candid disquisitions* of others, have made the smallest impression on the governing clergy. It is well known that some upon the bench were for alterations, but either their voices have been too feeble to be heard; or their scrupulosities since a promotion to their sees, subsided on their Episcopal thrones, and became blended with the former texture of their brethren.

To the petitioning clergy<sup>y</sup> the answer was, that the Bishops themselves would take the matter into consideration; that a petition from inferior clergy seemingly cast a censure on the bench; and that the public would receive alterations with more reverence if they originated from the heads of the church. All this was plausible; however, after years of expectation no steps have been taken, and though it is felt that nothing would so revive the

<sup>y</sup> Hints to the new Association, 1789.



the languid devotion of the nation, as the expunging from the liturgy obnoxious passages, that salutary work still remains to be done.

A learned<sup>a</sup> Bishop observes, that there is something odd to have two creeds<sup>a</sup>, the Nicene and Athanasian, established in the same church. In one of which those are declared accursed<sup>b</sup> who deny the Son to be of the same substance with the Father; and in the other it is declared, they cannot be saved who do not assert that there is one substance of the Father, and another of the Son, and another of the Holy Ghost. Do we stand in need of any thing else to prove the necessity of a revision of the liturgy?

Instead of St. Athanasius being the composer of the creed, too frequently read

<sup>a</sup> Bishop of Clogher's Essay on Spirit, p. 146.

<sup>a</sup> Article 8th.

<sup>b</sup> Our church hath dropped the anathematizing clause at the end of the Nicene creed, but it is to be found in the original in the following terms: " \* The holy catholic and apostolic church anathematizes those who say, " there was a time when the Son of God was not, and " that before he was begotten he was not, and that " he was made out of nothing, or out of another substance " or essence, and is created, or changeable, or alterable.

\* Socrat. i. 8. Jortin iii. 117.

our churches\*, it does not appear to have existed within a century after his death, or to have found admission into the Romish church, from which we received it, till about the year 1000. It appears likewise to have been composed in the Latin tongue, and in the western provinces. The patriarch<sup>d</sup> of Constantinople was so much amazed at this extraordinary and unintelligible jargon, that he frankly pronounced it, the work of a drunken man.

Archbishop\* Tillotson wished the church well rid of this creed; notwithstanding which, as the statute has taken it under its protec-

\* During the time that Vigilius\* of Tapsus was defending orthodoxy against the Arian Vandals, it is supposed that he produced, under the name of Athanasius, the famous creed which attempted to expound the mysteries of the Trinity and Incarnation.

If reprobated for nothing else, it ought to be rejected by the church, and expunged by the Legislature for its damning sentences, which the conscientious Chillingworth declared to be false; and so said the orthodox Bishop Taylor, and so have innumerable other divines.

<sup>d</sup> Petavius Dogmat. Theolog. Tom. ii. Gibbon, Vol. iii. p. 544.

\* Letter to Bishop Burnet preserved in his History, Vol. ii. p. 719.

\* Jortin, Vol. iv. p. 313. Gibbon, ch. 37.

tion,

tion, and has declared that every part of the book of common prayer, and every word therein contained is sacred, and to be treated with reverential awe; I am not clear that a man's not only saying but proving it to be a *symbol of matchless absurdity*<sup>f</sup>, would not be held a derogation of the liturgy.

If another should declare that the absolution<sup>g</sup> given to sick persons by a priest, by authority of our Lord Jesus Christ committed to him, favours too much of Popery, it might be found *railing at the church and its ordinances*, and such person might suffer the same punishment as if he obstructed the reading of the public service and the ministration of the sacraments.

If another were to affirm that ceremonies imposed upon us by a *single proxy*<sup>h</sup> had no

<sup>f</sup> Religion not the magistrates province, p. 25.

<sup>g</sup> The Christian priests\*, says Beveridge, have the power of the keys, and can forgive sins. Upon this Jortin has remarked, one would rather think that the ministers of the gospel have power to declare that God pardoneth and absolveth those who are truly penitent, and that all human absolutions are *conditional*; and this opinion he has confirmed by the authority of St. Jerom, upon these words of Christ to St. Peter, "I will give thee the keys."

<sup>h</sup> Strype's Annals, Vol. i. p. 337, and Burnet's History of the Reformation, Vol. iii. p. 303.

\* Jortin, Vol. iv. p. 230.

the complete approbation of the church, and were not warranted by the unerring spirit of truth which inspired the proceedings of the convocation, might not this be deemed revealing of the liturgy and a transgression of the statute?

The words that "the church hath power to decree rites or ceremonies, and authority in controversies of faith," were not in the articles agreed on by the Bishops and learned men in the convocation held in London in the year 1552<sup>1</sup>, only ten years before the date of the Thirty-nine Articles of Queen Elizabeth. I will not stop to enquire whether these material words were *foisted* into the book referred to by the act, as some have pretended; but take for granted that a spirit of domination actuated the convocation in the assumption of this extraordinary power; as a love of magnificence did the Queen, who was empowered by the act of uniformity "to ordain such further ceremonies and rites as might be for the advancement of God's glory, the edifying of the church, and the due reverence of Christ's holy mysteries and sacraments."

<sup>1</sup> Burnet's History of the Reformation.



Supposing the articles were what the House of Commons, (no very good judges in controversial divinity and metaphysical distinctions) called *Calvinistical*—was the reformer of the name so infallible, that to speak ill of the articles is to be construed into a crime? and are those who will not subscribe to his opinions to be excluded from degrees, even those of music and physic, in the two universities?

Had he been an apostle equal to St. Paul (unless like him divinely called to the ministry and endowed with supernatural light) articles of faith from his writings, or interpretations of his opinions, with an anathema against all those who do not receive them would be an unchristian bondage, inconsistent with that freedom with which Christ has made us free.

If we trace the origin of articles to their source, we shall not find them derived from the best precedents. The first law which stood in Justinian's code was an edict of Theodosius, who finding great diversity of opinion in religious matters, appointed that doctrine to be held which was received by Damasus, Bishop of Rome, and Peter, Bishop of Alexandria; and this is the example which Bishop



Barnet<sup>k</sup> admits to have been too soon and too rigidly followed by our Princes.

Though this learned Bishop expounded the articles, yet his first and last words<sup>m</sup> were against the imposition of them as articles of faith. There might perhaps be reason to wish, said he, at the end of his history, that they had only been imposed as articles of peace, (in which men are bound to acquiesce without contradiction) not as articles of faith which they were obliged to believe; but there was nothing in our constitution to warrant an expositor in giving that sense to them.

Mr. Locke says<sup>n</sup>, “speculative opinions and articles of faith (as they are called) which are required only to be believed, cannot be imposed on any church by the law of the land. For it is absurd that things should be enjoined by laws, which are not in mens power to perform.”

A Bishop of London<sup>o</sup> has admirably explained this matter: “As long as men are

<sup>k</sup> Introduction to Exposition of the Thirty-nine Articles, p. 7, fol. edit.

<sup>m</sup> Vol. ii. p. 720.

<sup>n</sup> First Letter concerning Toleration, p. 267.

<sup>o</sup> Gibbon's second Pastoral Letter, p. 24 and 25.

“ men, and have different degrees of under-  
 “ standing, and every one a partiality to his  
 “ own conceptions, it is not to be expected  
 “ that they should agree in any one entire  
 “ scheme and every part of it, in the circum-  
 “ stances as well as the substance, in the  
 “ manner of things, as well as in the things  
 “ themselves. The question therefore is not  
 “ in general about a difference in opinion  
 “ which in our present state is unavoidable  
 “ but about the weight and importance of  
 “ the things wherein Christians differ, and  
 “ the things wherein they agree. And it  
 “ will appear, that the several denominations  
 “ of Christians agree both in the substance  
 “ of religion, and in the necessary infor-  
 “ ments of the practice of it. That the  
 “ world and all things in it were created  
 “ by God, and under the direction and govern-  
 “ ment of his all-powerful hand and all-see-  
 “ ing eye ; that there is an essential difference  
 “ between good and evil, virtue and vice  
 “ that there will be a state of future reward  
 “ and punishments according to our behavior  
 “ in this life ; that Christ was a teacher sent  
 “ from God, and that his Apostles were spiri-  
 “ tually inspired ; that all Christians

“ bound

bound to declare and profess themselves to be his disciples ; that not only the exercise of the several virtues, but also a belief in Christ is necessary in order to their obtaining the pardon of sin, the favour of God, and eternal life ; that the worship of God is to be performed chiefly by the heart, in prayers, praises, and thanksgivings ; and as to all other points, that they are bound to live by the rules which Christ and his apostles have left them in the holy scriptures. Here then, (adds the learned Bishop) is a fixed, certain, and uniform rule of faith and practice, containing all the most necessary points of religion, established by a divine sanction, embraced as such by all denominations of Christians, and in itself abundantly sufficient to preserve the knowledge and practice of religion in the world. As to points of greater intricacy, and which require uncommon degrees of penetration and knowledge ; such indeed have been subjects of dispute amongst persons of study and learning in the several ages of the Christian church ; but the people are not obliged to enter into them, so long as they do not touch the

“ foundations of Christianity, nor have a  
 “ influence upon practice. In other point  
 “ it is sufficient that they believe the doc  
 “ trines, so far as they find, upon due en  
 “ quiry and examination, according to the  
 “ several abilities and opportunities, that Go  
 “ hath revealed them.”

The inference from this is, that if article  
 of faith and human creeds contain nothing  
 more than the substance of the Christian re  
 ligion, they are needless, because the rule  
 already received by all denominations  
 Christians; and if they relate to unnecessary  
 and speculative points, they are beyond me  
 sure unreasonable and impertinent.

A tyranny this, which Pope Leo III. who  
 is placed among the saints, and may be ranked  
 among men of sense and candor, disclaimed  
 for a knotty question being proposed to him  
 concerning the procession of the Holy Ghost  
 that is, whether the *Filioque* should be added  
 to the creed, (and which addition was not re  
 ceived in the Latin church till two centuries  
 afterwards<sup>p</sup>, and occasioned the schism be  
 tween the churches of the East and West)

<sup>p</sup> Gerard Vossius de tribus Symbolis, Tom. vi. p. 5

this upright Pope replied, " Every doctrine  
 " that is true is not therefore to be inserted  
 " in a confession of faith." Jortin's remark  
 upon this was, " This is speaking like an  
 " honest and wise man, and if this advice had  
 " been followed, we should have had shorter  
 " creeds and fewer articles."

" It is a thing," says Hilary, " equally  
 " deplorable and dangerous, that there are as  
 " many creeds as opinions among men, as  
 " many doctrines as inclinations, and as many  
 " sources of blasphemy as there are faults  
 " among us ; because we make creeds arbi-  
 " trarily, and explain them as arbitrarily."

To soften the hard digestion of subscrip-  
 tion, many moderate men have been desirous  
 to consider the Thirty-nine Articles as articles  
 of peace and union, but the royal declaration  
 prefixed to them allows of no such latitude.  
 It follows therefore, that a hearty assent to  
 them in the strictest sense of the compilers is  
 the unavoidable meaning of subscription ; and  
 if men who participate of the emoluments of  
 the church of England, subscribe in any other

\* Vol. iv. p. 473. Also a Sermon against Articles  
 that have no foundation in Scripture. Vol. vi. § 18.

\* Hilary. de Synodis, c. 63.



ſenſe, they violate the vows, by which they qualify themſelves to become miniſters of the church. This, many of the clergy that now cry out againſt the Diſſenters, ought firſt duly to conſider: are they not themſelves *diſſenters* from, or *false brethren* in the church?

A conſent in opinion was intended; for the title of the articles bears, that they were agreed upon in convocation, “ for the avoiding of diverſities of opinion, and for the eſtabliſhing conſent touching true religion.” The thirty-fixth canon is expreſsly requiring the clergy to ſubſcribe “ willingly and *ex animo*, and acknowledge all and every article to be agreeable to the word of God.”

Laſtly, the 13th of Elizabeth, ch. 12th requires, that every clergyman, in order to his being capable of a benefice, ſhould read the articles in the church, with a declaration of his unfeigned aſſent to them.

There is no eſcaping but in ſuch inſtances in which the articles will admit of different ſenſes, without departing from the literal words, as in the third article.

On behalf of the laity it is contended, that there is a difference between articles of *faith*

the articles of *doctrine*, the former being held necessary to salvation, the latter deemed only propositions that are true as revealed in the scriptures; therefore it is said that people may join in communion with the church, though they are not fully satisfied with every part of its doctrine.

The Dissenters, in points of *doctrine*, would be much more likely to join in the established worship, if they had a *complete* toleration, and those stumbling blocks, the Corporation and Test Acts were removed.

“It follows that tests and subscriptions ought to be made as simple and easy as possible. That they should be adopted from time to time to the *varying sentiments* and circumstances of the church in which they are received, and that they at no time advance one step further than some subsisting necessity requires. If, for instance, promises of conformity to the rites, liturgy, and offices of the church be sufficient to prevent confusion and disorder in the celebration of divine worship, then such promises ought to be accepted in the place of stricter subscriptions. If articles of peace, as they are called, that is engage-

• Paley.

ments

“ments not to preach certain doctrines, or  
 “to revive certain controversies, would ex-  
 “clude indecent altercations amongst the  
 “national clergy, as well as secure to the  
 “public teaching of religion, as much of  
 “conformity and quiet as is necessary to  
 “edification, then confessions of faith ought  
 “to be converted into articles of peace. In  
 “a word, it ought to be held a sufficient  
 “reason for relaxing the terms of subscrip-  
 “tion, or for dropping any or all of the  
 “articles to be subscribed, that no present  
 “necessity requires the strictness which  
 “complained of, or that it should be ex-  
 “tended to so many points of doctrine.”

Those who forged chains for the sub-  
 jects of England, the very framers of the  
 articles <sup>1</sup>acknowledged, that the church  
 of Jerusalem, Alexandria, and Antioch, as  
 well as the church of Rome, have erred  
 both in ceremonies and matters of faith  
*for<sup>2</sup> as much as councils are assemblies of men*  
*whereof all be not governed with the spirit and*  
*word of God.* Is not this a <sup>2</sup>mockery to  
 us, that a Popish restraint is a bad one

<sup>1</sup> Art. 19.

<sup>2</sup> Art. 21.

<sup>2</sup> Bishop Hoadley.

things pertaining to God, but a Protestant restraint is very good and useful?

"The royal declaration prefixed in the book of Common Prayer to the thirty-nine articles directs, that no man shall either print, or preach, or draw the article aside any way, but shall submit in the plain and full meaning thereof, and shall not put his own sense or comment to be the meaning of the article, but shall take it in the literal and grammatical sense."

The occasion of this, was a dispute between the rigid predestinarians and remonstrants in the reign of King James, who issued a proclamation against the unwarrantable practice of men's construing the articles in their own favor.

Notwithstanding, the only men who now with sincerity of heart follow the rigid system of the articles on the head of justification, are the Calvinistical, not the Arminian professors or believers, yet those men have not been promoted to, but rather carefully excluded from the dignities of the church. Why then should the heads of the church be so tenacious

cious of retaining articles which few of themselves believe, and still fewer maintain in the pulpit? And have we not reason to say, that the retention of articles of faith so mysterious and incomprehensible, "is the retention of the worst part of papal tyranny?"

However, \*the great judge so often quoted hath contended, "that any alteration in the church, constitution, and liturgy, would be an <sup>b</sup>infringement of the fundamental and essential conditions of the union between England and Scotland, and would greatly endanger that union;" and after him many others have echoed the same language.

Even if the words of the Act of Union had been <sup>c</sup>ambiguous, or could have been tortured to include the Corporation and Test Acts, the legislature itself has in many instances shewn, that they were never meant to carry a sense so extensive and so absurd for in points much more nearly affecting the

\* Radcliff's two Letters, p. 102.

† Comment. v. i. p. 98.

<sup>b</sup> This futile objection was fully answered by Dr. Sykes.

<sup>c</sup> Right of Protestant Dissenters, p. 91.



*doctrine, worship, discipline, and government,* both of the church of Scotland and England, it has made alterations.

Is there a doubt that the *Patronage Bill*, that took away the nomination to vacancies in Scotland, which an act, in 1690, before the union, placed in the heritors and ministers, and vested it in the patrons, was not an alteration in the *discipline of the church*? The innovation made by the 10th of Queen Ann, concerning episcopal dissenters, is still more to the point. To accomplish which, two acts of the Scottish parliament, made before the union, were altered or repealed.

The grant of a toleration to episcopal dissenters, by that act, and by Mr. Dundas's bill in the last session, it was contended by high churchmen, neither affected the *doctrine*, *worship, discipline, nor government of the church of Scotland*; and therefore the legislature did not hesitate to exempt them from the censures of that church. In like manner, the legislature may exempt dissenters in England from disabilities; for surely it is not a greater stretch of power to enlarge an

<sup>a</sup> Right of Protestant Dissenters, p. 91.

existing

existing toleration, than to introduce one where there was none before.

Is it true, however, that the legislature which gave a sanction to the Union, meant to declare the Corporation and Test Acts perpetual? The Act of Uniformity, and the 13th of Elizabeth, were specifically named and expressly declared fundamental conditions of the compact and irrevocable; but *the Corporation and Test Acts were omitted on debate*. A proof that the two houses did not mean to tie themselves down to a perpetual adherence to such laws, as to the other acts that are mentioned by them, and declared to be like the laws of the Medes and Persians, unalterable for ever.

What is singular, it was the high church party that moved for clauses to make laws perpetual, which they now contend were so already in their very nature.

If stress be laid on the following words  
 “ And all singular other acts of parliament  
 “ now in force for the establishment and  
 “ preservation of the church of England  
 “ and the doctrine, worship, discipline, and

<sup>e</sup> Journals.

<sup>f</sup> Quinto Annæ, c. 8, art. 25, § 7.

“ govern

"government thereof;" let it be observed, that by the alterations made in the years 1778 and 1779, the attributes of perfection and of everlasting duration conferred on *nameless statutes* have been done away.

When to bare assertions, facts can be opposed, they must fall to the ground. Alterations have been made in the church of Scotland. Alterations ought to be made, when for the advantage of the religious establishment of either country respectively. Nay! Judge<sup>s</sup> Blackstone himself acknowledged, that it amounts to an *absurdity* to pretend, that the power of making alterations does not actually reside in the parliament of the *united kingdoms*.

There cannot be the shadow of a doubt, that each church reserved to itself the power of applying for such changes, in which they alone are interested. For the Bishops of England to petition for the introduction of episcopacy into Scotland, or for the kirk of Scotland to apply for the revival of a Presbytery after their form in England, are propositions in their nature inadmissible. I trust, however, that

<sup>s</sup> Comment. v. i, p. 97. Reply to Dr. Priestley, 23 and 24.

there

there is an obvious distinction between strengthening the hierarchy of England and synods of Scotland, and destroying them between an extinction of their rights and seizure of their properties, and an alteration for their benefit. By what strange association of ideas then, have men confounded destruction and protection into the same meaning? What solecism in legislation, to compare acts of parliament to the decrees of fate; to imagine, that the supreme power at one time, could bind the supreme power at another; to speak of immutability of religious modes, and to suppose that men invariably adhere to one set of principles, to one form of worship, during the whole existence of an empire?

Mr. Hooker's famous book on ecclesiastical policy was meant to prove, that though the outward polity of a church is divinely instituted, yet it is a species of those laws which even the sacred authority that enjoins them, does not render *immutable*. Moreover the advocates of the alliance between church and state are ready to admit, that when a majority of a nation think fit, the establishment must be altered; and they give

exam

example, the change at the time of the reformation. But suppose the Popish rulers in Henry VIII.'s time, or his daughter Mary's, had been so careful for their church establishment as to impose their sacramental test, *Transubstantiation*, on all who had offices in the state, what reformation could have taken place? The present church of England, and its boasted constitution, would have never existed.

These broachers of paradoxes, and likewise Judge Blackstone himself, not from the love of paradoxical assertions, but from his dislike to Dissenters, which is strongly marked in his Commentaries, maintain, that the Test Act excluding such persons from civil offices, is essential to the idea of civil government.

If it can be proved that the Protestant Dissenters hold principles unfriendly to society and civil government, the conclusion would follow that they ought to be excluded. But if the direct contrary be the fact, namely, that they do not acknowledge a foreign jurisdiction in spiritual affairs; that none of his majesty's subjects are more attached to the illustrious house of Hanover than they, more zealous for the principles of the revolution, and the liberties of the nation; none

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who



who profane less the sabbath, and practise with greater fervency all moral and religious duties: if all these be facts too stubborn to be disproved, surely the exclusion of such men, so far from being essential to the idea of civil government, is the very subversion of it. We must consider those who attribute to the present Protestant Dissenters pernicious and enthusiastic principles, like those of the Anabaptists<sup>a</sup> in Germany, Covenanters in Scotland, Levellers in England, make assertions for the sake of *party*; and at the time they do so they are conscious they are advancing things totally devoid of foundation.

Mr. Locke, the great advocate for civil and religious liberty, was no dangerous enthusiast; he was a champion for a reasonable christianity, and no puritan; he was a revolutionist, and no republican. When he wrote his first letter in favour of toleration, his arguments were by no means pleasing to the university of Oxford; a member of whose body took up the *defence of persecution*, under the title of "Argument of a letter concerning Toleration, briefly considered and answered."

<sup>a</sup> Furneaux, Letter VII.

"*answered*"

"*swered.*" This occasioned Mr. Locke to resume the subject, and to reply in other letters in a most convincing way.

One would have supposed, that this great man had now fixed it on immoveable foundations: by no means, for some men do not part with the power of tormenting so easily. There was, indeed, a 'bishop, who in a late debate in the House of Lords acknowledged, that at that day laws existed, which did no credit to the spirit of the times, in which they were made; and that laws which breathed persecution, and appeared inconsistent with the mild religion we profess, did not merit to appear among the statutes. He admitted that it was no reason for suffering acts of parliament to remain on the statute book, because not likely to be enforced: it was a sufficient ground for their being revoked, that they might be executed. He compared these dormant statutes to weapons lying loose on the ground, scattered about, which the fiend of persecution might catch up and use to a deadly purpose. His opinion therefore was, that notwithstanding the de-

<sup>1</sup> Bishop Horsey in Woodfall's Register June 10, 1789.

mon of religious tyranny sat at this time, fullen, silent, and abashed, conscious that there did not exist in the church an individual who was not hand and heart her enemy, she ought to be disarmed, and have her chains rivetted.

After this preamble, might we not have expected that his lordship's conclusion would have been for the *repeal of acts* which lie in ambush to fall upon the innocent and unwary, instead of arguing against Lord Stanhope's bill being even sent to a committee?

This right reverend prelate must in reality have been as little a convert to Mr. Locke's principles of toleration as Dean Swift, who assures us, that "the clergy cannot agree that the *truth* of the gospel, and the *piety* and *wisdom* of its preachers, are a sufficient support in an evil age against infidelity, faction and vice, without the assistance of the *secular power*, unless God would please to confer the gift of miracles on those who wait at the altar." He proceeds afterwards, in a sarcastic style, to say, that "they venture to go a little further, and think upon some of

\* Public Spirit of the Whigs, 1712.

“cations they want a small *enlargement* of  
 “assistance from the secular power against  
 “Atheists, Deists, Socinians, and other Here-  
 “tics:” by which last words we are to un-  
 derstand clearly the clergy are for punishing  
 all those who differ from the establishment;  
 a sentiment he confirms from the preface to  
 the *commination service*, in which the church  
 declares her wishes for the restoring of that  
*discipline* she formerly had, and which for  
 some years, he adds, hath been more wanted  
 than ever.

<sup>1</sup>A distinction made between *discipline* and  
*doctrine*, till lately was pertinaciously main-  
 tained. And though it be impossible to sup-  
 ply an argument conclusive in favour of those  
 who differ from the established forms in  
 point of *discipline*, that is not equally conclu-  
 sive in point of *doctrine*; yet when a bill was  
 presented from the House of Commons to  
 release dissenting ministers and schoolmasters  
 from subscribing the Articles, and which was  
 supported by the eloquence and abilities of  
 men the most distinguished for their pa-  
 triotism and learning in both houses, it was

<sup>1</sup> Furneaux's Essay on Toleration, p. 52.

twice lost in the House of Lords through the *influence of the bishops*, whose conduct was justified and applauded by a writer who wished to be understood, that he spoke the language of his superiors. So the *charitable act*, to repeal the statute of 35th of Elizabeth, as far as it related to Protestant Dissenters, against whom it had been *severely executed*, though it was apparently made against Popish recusants, was *strenuously opposed* by the bishops<sup>m</sup>, but the temporal lords carried it against them in 1681. This was the bill, mentioned p. 16 that was withdrawn or stolen by the clerk of the crown, when the court had not courage to reject it, or honour enough to pass it.

Admitting

<sup>m</sup> The conduct of Archbishop Sancroft in 1688 is worthy of regard. On his refusing to read King James's declaration, and fearing to fall with the other bishops of the same mind, under the king's displeasure, he sent certain articles to his clergy exhorting them to "have a very tender regard to *our brethren the Protestant Dissenters*, to visit them at their houses, and to receive them kindly at their own;" and he also desired his clergy to *request the prayers* of the Presbyterians, Independents, &c. "warmly and most affectionately exhort them to join with us in daily fervent prayer to the God of Peace for an *universal blessing* *union of all reformed churches*, both at home and abroad against our common enemies, &c."

B



Admitting for a moment the strange distinction between discipline and doctrine, still I trust that the existence of a grievance will not be urged as a proper or only reason for its continuance; and though our ancestors accepted as a boon *an imperfect toleration*, we are not precluded from a modest claim to a more reasonable system of religious freedom, such as cannot be refused without subverting the immutable principles of law and justice, overthrowing the reasonableness of a separation from the Romish church, and deviating from the grand rule taught by Christ and his apostles. "Who art thou that *judgest another*? there is *one lawgiver*" who is able to save and to destroy," was a reprimand and a seasonable admonition of St. James<sup>a</sup> to the Christian flock, who began early to have bickerings. \*St. Paul has, throughout a whole chapter, inveighed against those who presume *to judge their brethren*,

But how different was their speech and conduct in about one year afterwards, when by the Dissenters help and prayers, the church of England and her universities and dignitaries were delivered from their fears, and the glorious revolution was effected.

<sup>a</sup> C. iv.

o Romans, c. 14.

“for,” said the apostle, “we shall all stand before the *judgement seat of Christ*.” Numerous are the texts of scripture which might be produced in behalf of freedom in private judgment as to the momentous concerns of religion.

Still, Bishop Warburton, not the most tolerant of his brethren, and who had spun out of his brain an imaginary alliance of church and state in a pre-supposed contract (the most sophistical of all publications) assures us, “that the ancient nations not having modes of faith, could not persecute for them; but Christians having articles of belief, or modes of faith, may persecute for them.” But we are taught to “pray for those who despitefully use us and persecute us:” my fervent petition then to the throne of mercy is, “Father in heaven forgive them, *for they know not what they do.*”

Forgive me also any involuntary error if it be one, to have thought with Archdeacon Paley, that an *establishment* is only for the *preservation and communication of religious knowledge*, and that *utility* is the sole ground for the magistrate’s interference in maintaining such establishment; which

discoverable

discoverable not in modes of belief, but in the prevalence of moral duties; in training people to virtue, and in making men good citizens. These ends being obtained, I have never thought that theological speculations, or mere<sup>p</sup> religion, were subjects of judicial cognizance.

'Religion, in every form of it which is consistent with the safety of the state, hath an unlimited title to indulgence. "For the business of laws," said 'Mr. Locke, "is not to provide for the truth of opinions, but for the safety and security of the commonwealth and every man's goods and person."

Notwithstanding so clear a position, every thing has been tortured to furnish an argument for ecclesiastical censures.

'The forged story of St. John the Disciple of our Lord, starting back and returning from the bath, on seeing the Heretic Cerinthus in it, was applied by Dr. Berri- man to enforce the duty of shunning Infidels and Heretics, and by Dr. Waterland to re-

<sup>p</sup> Furneaux's Essay, § vii. <sup>q</sup> Dr. Kippis's Vindication, p. 57.

<sup>r</sup> Letters concerning Toleration, p. 267.

<sup>s</sup> Dr. Middleton, v. ii. p. 107.

commend

commend a practice, which he warmly pressed on all Christians, of rejecting from their society and communion all the impugnors *fundamentals*.

And even a late writer, in his letter to Dissenting Ministers, though not such a firezealot as these divines, hath insinuated that departure from *fundamentals* may be a reason for with-holding toleration in such particular instances.

Those who wrote in favour of toleration in the last century, Taylor and Stillingfleet laboured to distinguish between points fundamental and not fundamental. But Locke, who understood the subject better, made such distinctions.

“ How<sup>t</sup> vague and imperfect must be  
 “ toleration, if it be left to the magistrate  
 “ determine what are *fundamentals*; and  
 “ it not always be in his power to adjust  
 “ and enlarge the list of them, according  
 “ his fancy and caprice? Every man must  
 eagerly decides, not only for himself  
 others, what are *fundamentals* in religion,  
 in the contest about these (in which no

<sup>t</sup> Fownes.

willing to yield) breaks out that extreme uncharitableness which reigns among Christians, above all other religionists: for there is nothing more true than this, that all sects in their turn, pretending to define Heresy, have given an example of an intolerant spirit; have adopted and disclaimed wholesome severities; have had their tyrants and their martyrs.

Our modern prelates in late reigns, have been in general selected from the clergy for their supposed moderation; still their fondness for laws *in terrorem*, in cases where no terror should be employed, cannot but abate something of our veneration for so respectable and learned a body. Their learning, piety, and abilities, are undisputed; and it would

Both Calvin and his disciple Knox appear to have been inflamed with a vindictive spirit as well as their persecutors. The reformers of Scotland, when they got the power into their hands and abolished the Popish religion, imposed by law those sanguinary punishments which they loudly complained of when exercised against themselves. The church of England, who preceded them, pursued the same antichristian course: Archbishop Cranmer put persons to death, and dying afterwards at the stake, could not properly complain of those severities which he had inflicted with little mercy on others.

give



give me great pleasure to bear testimony to their disinterestedness, humility, and meanness, especially in their legislative capacity what relates to spiritual matters. I acknowledge, nevertheless, with gratitude, that I did *not protest* when some of the lurking peccator statutes were repealed or altered in the year 1779.

However, a great majority of the Protestant Dissenting Ministers are still obnoxious to informers from scruples of different sorts, some doubting whether what were admitted as canonical books, were all dictated by the spirit of truth; but the greatest number denying the magistrate's right to impose a religious test; so that the sword of Democritus is still hanging over the heads of these innocent refractory men, and unless they subscribe to what their conscience forbids them, they are exposed to all the former pains and penalties, such as no man living would contribute or rejoice to see enforced.

I called them *innocent men*; for the proof of their being strictly conscientious is but shewn from their refusal than their compliance. For my own part, if I were to subscribe to make a declaration of the divine mission

Ch

Christ, under the sanction of pains and penalties, I conceive I should betray that sacred liberty without which a man can neither be rational nor virtuous.

This assertion may appear strong, but the reason is, because the very subscription may be considered as an acknowledgment of the magistrate's right to exercise his authority in a province which belongs only to God the sovereign of the universe.

Attempts to force conscience, said an eloquent Chief Justice, "will never produce conviction, and are only calculated to produce hypocrites and martyrs."

Compulsory methods are equally calculated to defend imposture or promulgate impiety, as to advance the truth. Compulsion even to the performance of what is strictly our duty, cannot but destroy its moral intrinsic excellence. Were a man compelled to practise acts, not of religious ceremony, but of munificence and charity, that which, voluntarily done, is a proof of the kind overflowings of the heart, and of the employment of worldly treasures in the best and most reasonable manner, would, under force, be converted into an odious tax.

If

If a man can renounce the direction of his conscience, or resign it to another, or if the State can deprive him of it by law, or intrude it in other hands, from that moment he would cease to be a free agent. And as on the contrary he is amenable to God's tribunal, not only for his actions, but for his secret thoughts and intentions, it is the height of impiety to interfere in matters which are not cognizable by the magistrate, and which would justify compulsion or wholesome severities for the salvation of souls at Rome as well as London, *every church being orthodox itself*<sup>x</sup>.

An established church implies only that a certain system of discipline and doctrine should be supported and rewarded, but not that every other shall be discountenanced, prohibited and punished. We owe to Queen Elizabeth the settlement of the church of England; but who at all conversant with the history of those times will maintain that the reformation was finally settled by that Queen and her advisers *with decency and temper, unsullied with partiality, rancour, and personal caprice and resentment*.

<sup>x</sup> Locke, first Letter on Toleration.

<sup>y</sup> Fuller and Strype's Histories.

in the strong manner stated by Judge Blackstone in his Commentaries, how stands the subject? When seated on the throne, Elizabeth plunged into extreme misery those Protestants who could not honestly comply with her faith and worship, though they were loyal to her person, and faithful subjects in all civil concerns. It is indubitable, she denied to them that indulgence which she solicited and obtained for herself under her bigotted and sanguinary temper. Nor is it true that the recent establishment of the church required such severities. The causes of them then are to be traced in the jealousy and arbitrariness of the Queen's temper, who entertained such lofty conceptions of *her spiritual* as well as temporal power, and was so disposed to maintain her prerogative on all occasions with rigour, that very little civil or religious liberty was to be boasted of by Englishmen in this reign, though justly celebrated in other respects.

The magistrate in her reign acted with violence against state criminals; and the magistrate now would proceed properly against seditious schismatics notwithstanding their plea of conscience, because sedition is to be punished in all cases. If however the greatest fanatics

fanatics demean themselves peaceably, the ridiculous but innocent notions and rites are not under his cognizance or control.

In truth, it is not the toleration of religious sects, but the spirit of intolerance and an invitation to severities by the existence of penal laws that can disturb the public peace. Intolerance is a sufficient motive for many to decry religion itself, and to bring in doubt whether a state without a religious establishment be not more secure and tranquil, than one that is disturbed by principles of intolerance, and contains in its laws seeds of persecution, that vile offspring of presumptuous ignorance and rancorous superstition.

The following strong passage is taken from the character of the reformer, John Knox, who indulged to the fullest extent his propensity to persecution, *under the sublime maxim rendering services to God*; to shew how historians and politicians are to make religious establishments<sup>a</sup> responsible for the abuses of their leaders.

<sup>a</sup> Bayle.

<sup>a</sup> The ingenious author of the *Free Inquiry into the Nature and Origin of Evil*, gives us a very strong picture of the bad effects of religious establishments; as to the evil influence which they have both on the purity of religion and the liberties of mankind.



" "To protect religion is the apparent end  
 " of every form of ecclesiastical government ;  
 " yet the articles of faith held out by each  
 " being discordant and hostile, the guides of  
 " every church are in a continual warfare.  
 " They contend respectively for the tenets  
 " entrusted to them ; and where they are not  
 " corrupted by the riches of their establish-  
 " ment into an indolent indifference, that  
 " brings religion into contempt, they are  
 " strenuous, like our reformer, to increase  
 " their consequence, to diffuse the malevolent  
 " dislike of other religionists, and to kindle  
 " into ferment and agitation the angriest and  
 " the most incurable passions of mankind.  
 " They give a check to religion in its hap-  
 " piest principle of universal benevolence ;  
 " they are guards to prevent the truth from  
 " taking its boldest and widest range ; the  
 " advantages they produce compensate not  
 " their calamities ; and perhaps it would be  
 " fortunate for human affairs, if the expence,  
 " the formalities, and the abuses of religious  
 " establishments were for ever at an end ; if  
 " society were deprived alike of the fove-

<sup>b</sup> History of Scotland, vol. ii.

“ reign pontiff with his tiara, the stalled Bishop  
 “ and the mortified Presbyter; if no confession  
 “ and creeds were held out as standards of  
 “ purity and doctrine; if faith and future  
 “ were left unfettered like philosophy and  
 “ science; and if nations were not harnessed  
 “ in opinions like horses to a carriage.”

Whilst the heads of the church, men who  
 we have endowed with great riches and ele-  
 vated to a plenitude of power and grandeur  
 (but not less fallible for these worldly advan-  
 tages and adventitious helps) retain in their  
 hands the power of letting loose informers  
 against dissenting teachers for non-subscrip-  
 tion; against Popish priests for exercising  
 their religious functions, or for instructing  
 youth; against Popish recusants; against  
 persons indiscriminately for not appearing  
 divine service Sundays and holidays; against  
 persons eating meat on days that are pro-  
 hibited by the canons of the church; against  
 all unfortunate people who, for trifling  
 offences or contumacy, fall under the censures  
 of courts ecclesiastical, and from which nei-  
 ther Catholic nor Protestant Dissenters  
 get released, but by promise of obedience to  
 the commands of the church. We dep-

not on the security of the law, but on the  
 wayward fancies of individuals, upon the  
 wilkiness or founess of their dispositions.

In their great compassion for our infirmi-  
 ties, they say these laws are kept merely *in*  
*errorem*. Now, should one of the church-  
 militant carry a stiletto in his pocket, and jus-  
 tify it by the same pretence that he carried  
 only to terrify his neighbourhood; my  
 answer would be, leave this deadly weapon at  
 home, for who can engage, that on a slight  
 provocation and in a sudden gust of passion,  
 you may not plant it in your neighbour's  
 heart. Laws therefore to prevent the carry-  
 ing of daggers and concealed weapons, are not  
 more proper than the repeal of such lurking  
 penal statutes.

Judge Blackstone has used strong and fer-  
 vent expressions against laws *in terrorem* as to  
 popish recusants, in which he does himself  
 honour, and I sincerely wish there were no  
 instances of their being abused; but with  
 that consistency can he justify laws *in ter-*  
*rorem* for not submitting our own private  
 opinion to the public judgment in what re-  
 lates to the common prayer, and to every  
 word therein contained? We find then he

shews more indulgence to Papists than Protestant Dissenters, though God knows their errors are very different\*. I shall not dwell upon this circumstance, but say that we cannot form to ourselves a greater abhorrence in civil policy and jurisprudence, than to preserve on the statute-book penal laws, and allow at the same time "that they are by no means too savage and inhuman to be put into execution."

It is the more inexcusable, as they are maintained not for a religious or political consideration, but through a mean motive, the purpose of *irritation*, not to say *revocation*, though in fact no substantial power was obtained by *measures imperfectly coercive*, and cruelty by halves. It may seriously be apprehended, should religious freedom receive a check in its progress abroad, which God forbid! that in some future period *actual persecution*, with all the train of evils that accompany it, will be let loose against this country, should a dark designing prince be seated on the throne, with ministers as cruel and despotic as himself.

\* Furneaux, Postscript to Letter IV. p. 125

Should such a king harbour in his breast dangerous designs against the liberties of his country, he could not succeed better than in the dexterous use of the oppressive penal laws, inflaming and destroying one party by another; as James II. intended, by creating deadly feuds and animosities among the religious sects, and triumphing in their confusion, divisions, and ruin.

The House of Commons in 1680, among other grievances set forth in their remonstrance to the King, complained, "that if ever any command was given for the laws to be put in execution against the Papists, even from thence they gained advantage, while the *edge of those laws were turned against Protestant Dissenters*, and the Papists escaped in a manner untouched. That the *Test Act* had little effect, for the Papists, either by *dispensations* obtained from Rome, submitted to those tests and held their offices themselves, or those put in their places were so favourable to the same interests, that *Popery* itself had rather gained, than lost ground since that act."

Foreseeing the possible mischiefs from religious hatred, one cannot repeat too often,



that the endowment of a church, and the reservation to its members of all ecclesiastical preferments, and the engrossing of civil and military offices by the contrivance of a test have no connexion in common sense. It is the act of the <sup>d</sup>majority we admit; but unless it can be shewn, that the exclusion of the minority will contribute to public utility, cannot be supported by argument and reason. For no society is to be ruled arbitrarily, even by

<sup>d</sup> Religion is a personal, not a state concern; therefore no \* civil government can have lawful authority to punish such of their subjects as do not choose to embrace the established religion, with all its secular advantages and allurements, or to expose the meanest of its subjects to the caprice or courtesy of informers. The very large endowments and extensive revenues annexed by law to the establishment, are a firmer rampart to the church and its hired troops, than its martial law against deserters, its levying of contribution from open enemies or former allies. Every army hath a right to make laws for discipline; and every legislative body hath unquestionable right to adopt and support that system of faith and worship which they prefer to others, and to secure for it particular honours and emoluments. On the other hand it is equally plain, that those who do not approve the condition on which these revenues are given, have as clear

\* Justice and utility of penal laws examined.

its majority, but the majority is to seek the interest of the whole; and if laws are made or enforced on a different principle, they are *unjust*. Will any say, there was no national church till the Test Act was enacted? will there be none after it is repealed? A Test Law (let the precedents be few or many) is in direct opposi-

and just a right to refuse their emoluments, and to use a different mode of worship.

But where is the equity, that instead of being satisfied with her own peculiar ecclesiastical revenues, and with that share of civil offices which should fall to the members of her communion, and which undoubtedly would be by far the largest and most considerable, the establishment must possess an exclusive right to the whole\*? Nay, more, as if it were not sufficient to engross the lucrative and worldly advantages annexed to the badge of a religious profession, they elaim an exclusive right to the exercise of the powers of the mind; to infallibility, to an authority which belongs only to inspiration. The church insists upon an implicit confidence in her decrees, when subscription is exacted from those aspiring to academical honors in her two universities, not in divinity only, but in other branches of learning. Good God! this in two universities where conviction is to be the result of studious labor. “† Belief is no more in a man’s power than his stature or his feature;” and a subscription to determine

\* Furneaux. Letter VI.

† Sir William Temple’s Observations on the United Provinces of the Netherlands.

opposition to the law of nature for the public good, and not warranted by Christ, who declared his kingdom not to be of this world, but of the next. I do not deny to the state the right of choosing a religion, that is not subversive of morality<sup>e</sup>; but I contend, in that choice the representatives of the nation are not to encroach<sup>f</sup> upon the right of others, who are as moral and good subjects as them-

the mode of a man's belief, a thing variable in its nature, fluctuating from day to day, is one of the most flagrant absurdities that did ever enter into the head of a legislator. If the church be indifferent to a man's future opinions, provided he is once inlisted, they should remember, that a service entered upon by compulsion, or procured by bribes, and a profession founded in falsehood, will probably end in disgrace.

<sup>e</sup> An individual who chooses a \* bad religion does no hurt to any but himself; whereas, a state choosing and establishing a false religion, entails likewise this false religion on posterity, by laws, which, while there are great worldly emoluments annexed to the observance of them, will not easily be repealed or altered.

<sup>f</sup> Every method of guarding an establishment, which infringes upon man's natural and civil rights, may be said to defeat and destroy the ultimate end of civil government. The end of civil society, is general protection, nor can a legislature justify an abridgment of natural rights, that is not essential to this end.

\* Furneaux, Letter VI.

elves, and *incapacitate* them from enjoying those advantages in which, in common with their fellow-subjects, they have a natural inheritance.

The end of civil society can never justify any abridgment of natural rights, that is not essential to the repressing of some vice, or to general protection. This is not the language of an individual, but the opinion of the House of Lords, who in a conference with the Commons, expressed their abhorrence of the injustice of the test in the following emphatical words: They declared, that “an Englishman cannot be reduced to a more unhappy condition, than to be put by law under an incapacity of serving his prince and country; and therefore nothing but a crime of the most detestable nature ought to put him under such a disability.”

I repeat, likewise, that the supreme judicature of the country has determined, that though the episcopal church was endowed by the state, yet to dissent from it, is no longer an offence: on the contrary, the congregations of Protestant Dissenters have been acknowledged by several acts of parliament, and are to all intents and purposes, an established



blished and legal church. If it be asked why, with all allurements and advantages which are thrown in people's way, there are not more profelytes to episcopacy, the answer is, "*the Sacramental Test*," on account of supposed opprobrium, which attends a man openly abandoning his religious principles from pecuniary motives. It may be, that many Episcopalians do not wish to see, by increase of converts, more competitors for preferment. But whilst the members of the national church, tenacious of the exclusion and greedy to secure a monopoly of places to themselves, deprive the state of the service of men as suitably qualified as the best, it is time for the magistrate to interpose,—To the Exclusionists to say, "I am intitled to the services of all subjects which these laws of disqualification prevent." A *capacity in law* of serving his sovereign is an inherent right, and a deprivation of it amounts to an actual punishment; at least to an unnecessary degradation. What was meant originally to discover Papists is now perverted to distinguish Protestant Dissenters with marks of infamy, and weakens Protestant interest by keeping up animosity

<sup>1</sup> Lords Protest, 1688.



and by rejecting a part. To the Separatists the magistrate should say, "having removed the bar, I invite you to join in communion with the national church, as the Puritans did in the last century; occasionally at least. You are all Protestants, cultivate good manners with mutual forbearance: you are all my children, be united by a common zeal for the happiness of your country; by your common love for your Sovereign, and the constitution."

Earl Stanhope, in his speech 1718 on the bill for repealing the Occasional and Schism Bills, asserted, "the equity, justice, reasonableness, and advantage of restoring Protestant Dissenters to their natural rights, and of easing them of these stigmatizing and oppressive laws that, had been made against them in turbulent times, and obtained by indirect methods, for *no other reason*, than because they ever shewed their zealous and firm adherence to the Revolution and Protestant succession."

"It is unnatural and unjust for any one part of the community to claim exclusive privileges inconsistent with the right of another, and prejudicial to the whole; and if any are

: Case of the Corporation and Test Act considered, part II. p. 23.

found

found so unreasonable and perverse, ought they to be gratified at the expence of other men's rights, and of the public good?

So far from the public good being interested to prevent Protestant Dissenters from defending the country, it is the direct contrary. And though Lord North thought fit to treat the power of arbitrary princes to employ indiscriminately all their subjects as a trivial prerogative, yet every country like the Roman common-wealth, is strongest when the whole is defended by the whole; and not like the Roman empire after Theodosius, when it excluded Dissenters, and was protected only by a part, which soon ended in its ruin.

How hard the case, that the most loyal of subjects should be exposed to the vexatious prosecutions of malicious neighbours, mercenary attorneys, and justices, for acting in defence of their country, and even in defence of their prosecutors? as all Protestant Dissenters are exposed to be, if they lead an army against hostile enemies, or a band of rebels, without having taken the sacrament kneeling at a church of England altar.

Why are the Protestant Dissenters disabled from serving their country? for what

civil crime or forfeiture? Incapacities are always inflicted for crimes after conviction, and are brands of infamy in common repute; as he who suborns for perjury, or forswears himself in a court of record, is rendered incapable of being evidence; and he, who is instrumental in sending any person to a foreign prison, in breach of the *Habeas Corpus Act*, is disabled from bearing any office in the kingdom.

Civil incapacities by law then are in the nature of a penalty, but punishment before conviction, or without offence, is a real wrong and manifest injustice.

It is no offence to government, so long as I behave with duty and respect to it, while I pay my share of public burdens, and perform all the duties of a citizen, if I worship God in a manner somewhat different from the magistrate. The public safety is not concerned in such harmless differences.

It is admitted, that the supreme law of society supersedes all private claims of right for the public good. But then the instances must be urgent, not such as are remediable by other means; must be real and apparent, not doubtful: such are the cases of impres-

sing

sing seamen and embargoing ships in time of war; of suspending the Habeas Corpus act during a rebellion, &c.

A restraint on private right, where there is no necessity to plead, and no evil to repel, is a wanton exercise of power; and is in truth, oftener used to give colour to oppression and persecuting measures, than to guard the state from immediate danger by the *ne quid detrimenti Respublica Capiat*. The incapacity of the Protestant Dissenters, no way necessary for the public safety, but prejudicial to it, falls within the instances of the exercise of wanton power: say there was colour for it, when non-conformity in the eye of the law was held a crime; there is no pretence for it now, since, by a decision of the highest court of judicature of the country, it hath long ceased to be so.

If not necessary for the public safety, we will see whether it is needful or expedient on grounds of policy.

It is pretended, that "the continuance of different sects, produces that effervescence which is useful in the production of talents and that without it, those who now labor to distinguish themselves in the schools as good polemic



time polemics, and hope to arrive at ecclesiastical  
 honors, and to be rewarded with mitres,  
 would sink into college drones or dunces." There is no doubt, that great parts are most  
 exercised and best known by continual oppo-  
 sition; still it must be acknowledged, that  
 the productions of wit are too dearly pur-  
 chased, if at the expence of the good qualities  
 of the heart. We need but read the different  
 Reviews monthly, of the controversial writ-  
 ings in divinity, with which the press teems,  
 to be convinced with what little temper and  
 good manners they are conducted. Those  
 who have even discovered great abilities and  
 depth of learning, have not been examples  
 of moderation and wisdom.

It is said, "that old religious clergies, like  
 other corporate bodies, usually fall into  
 presumption and ignorance; and when  
 richly endowed, into idleness and vice, in  
 proportion as they want opponents or  
 rivals." It is urged also, "that their lux-  
 ury and seeming indifference to their call-  
 ing produces indifference or infidelity in  
 others." Therefore we stand in need of

<sup>a</sup> New Principles of Commerce.



the admonition of men, who being excluded from the marriage feast, for want of nuptial garment, are disposed to vent their spleen, and make a clamor at the door. There will be found monitors enough, *flappers of Laputa* among the dissatisfied or numerous clergy; why then must penal laws and tests be kept on foot to increase the number of sectaries, to rail at the pride, riches, and the morals of a pampered establishment; and to give an opportunity to zealots, or most learned of that body, to attack<sup>1</sup> in their turn, the tenets, the ignorance, the obstinacy, the restlessness, schism of their opponents?

It has been observed, “that where bigotry and persecution prevail, religion is thereby worse vindicated, and in many instances

<sup>1</sup> So far from \*inspiring the members of the national church with benevolent dispositions, or with ingenious brotherly affections towards the conscientious Protestant Dissenter, an assiduous care has ever been taken by the greater number of her clergy, to disseminate very extravagant ideas of her communion. Hence the weak, ignorant, the inattentive and credulous, by much the majority, are led to look with no small contempt on their non-conforming neighbours.

\* Religion not the magistrate's province.

“least respected,” because it extinguishes all freedom of inquiry in their own clergy as well as in others; and it is added, that where there are religious sects, the teachers of these sects are obliged to be exemplary in their lives and conversations, and therefore, by their example, are useful restraints on the morals of a clergy, possessing greater incomes, and more exposed to the blandishments of pleasure.

I believe that no where are to be found more learned men than in the established church; I am confident, likewise, that no clergy (their numbers considered) have composed more able defences in behalf of revealed religion than the Protestant Dissenters. When these are facts, would not the abilities of such men be more advantageously employed to combat their joint enemies, the oppugners of the Christian religion, than to dispute about idle ceremonies, and unnecessary if not inexplicable articles of faith?

Many more reasons might be adduced, and topics brought forward, in this place; but the fear of becoming tedious, or of repeating arguments which have been with superior force and perspicuity produced by others, re-

strains my pen. But having spoken of the Oxonian law professor's principles of toleration, it is time to proceed to the consideration of the political tenets of that learned body.

As slavish principles in ecclesiastical jurisdiction produce meanness and servitude in civil government, we must not expect to find that the famous university of Oxford has given lectures on this subject, so essential to the welfare of mankind, with that freedom and liberality that it deserveth: on the contrary, they formerly inculcated abject notions more fitting an university crouching under a despotic prince, than protected by a free government.

Cambridge used to be distinguished for principles, and lectures, and examples of religious and political liberty, far above her sister university; but she seems to have degenerated. A reverend Professor, whom I have often quoted with approbation, hath, in his lectures on political philosophy, controverted Mr. Locke's sentiments on civil authority and government, defended the patriarchal scheme, standing armies, the influence of the crown, and the present inadequate representation

the nation in the House of Commons; maintaining also, that "an independent parliament is incompatible with our monarchy."

The Convocation of Oxford made a \*solemn decree, in the last century, in favour of passive obedience and non-resistance. "In many of the writings of that time, the bible was made an arrant courtier." Every body now allows the patriarchal scheme to be nonsense, yet it was found necessary to give to Sir Robert Filmer grave and elaborate answers; replies that cost Algernon Sidney his life, and might have been fatal to Mr. Locke<sup>1</sup>, the great advocate of religious and civil liberty, had he written under the same arbitrary reign. No one has contributed more than that wise and great man to enlighten the human understanding, on subjects the most connected with our nearest ties and essential interests. Still his principles on government were deemed *visionary* by

\* Bishop Overall's Convocation Book.

<sup>1</sup> During Mr. Locke's retreat in Holland, his fellowship of Christ Church College, in Oxford, was taken from him; and in the month of May, 1685, the English envoy inserted his name in a list of eighty-four persons, whom the States General required to give up.



Blackstone. He did not live to see them signally realized in North America; nor will they be contemned in the Netherlands, or in France, (though they were by him) in the present struggles for the primary rights of men<sup>m</sup>.

Some persons have questioned, whether the Whig principles, commonly entertained by the Dissenters, are constitutional principles?

There are no greater admirers of the constitution, as established in King, Lords, and Commons, than Protestant Dissenters. At the same time they contend, on behalf of themselves and their posterity, that there are certain indefeasible rights<sup>n</sup> and essential privileges reserved

<sup>m</sup> *Droits des hommes*, that have received the royal assent. The offers made by the Emperor to the Netherlands Provinces, not coming till they had taken up arms, the inhabitants have declared, that the Emperor by violation of their ancient privileges, and annulling his oath of inauguration, had forfeited all right of sovereignty over their country, and that they were released from their allegiance.

<sup>n</sup> The liberal Paley admits that an act of parliament may in a lower sense be *unconstitutional*, viz. when it militates with the spirit, contradicts the analogy, or defeats the provisions of other laws, made to regulate



reserved to the members of a free state at large, "as their undoubted birthright and "unalienable property." The Tories maintain, that there are no unalienable rights, and as the hereditary right to the crown, is de-

form and usage of governing, acknowledged and respected by the governors and governed; and that the law by which parliament conferred on Henry the Eighth's proclamations the authority of law, was only unconstitutional in this latter sense; for an act of parliament in England, he holds, is never unconstitutional in the strict and proper acceptation of the term.

Now, though the Archdeacon\* hath avoided to resolve the principles of all government, like Locke and his disciples, into a social compact, yet he might have considered, what many lawyers have admitted, that the government of England is A TRUST, and then most of his liberal principles would have flowed more naturally from such a legal definition, *than from the will of God*. For if King, Lords, and Commons, are only *a trust*, any declaration of theirs, which overturns that trust, as completely as the act alluded to, must be null in itself. It is a dissolution of government; nor is it sufficient to say that they were accountable only to God, and to their own consciences for such flagitious breach of trust; they were accountable to their constituents, to the public at large, for destroying the fundamental law of the land, and the nation had a right to resume the government into its own hands. It is then no longer *a government*, but the *abuses and corruptions* of one.

\* Of the British constitution.

feasible by act of parliament, so is *Magna Charta* too, if the Legislature<sup>o</sup> think fit. This they hold, notwithstanding the *confirmatio chartarum* has directed, that the great charter shall be allowed as common law, a confirmation reiterated thirty several times; but they say that parliament can alter the common law, and has done it in various instances. Be it so, if for the benefit of the community, for whom the two houses were created in *trust*, and for whom the crown itself is a *trust*: their opponents demand, whether parliament, composed of the three estates, can take away those common unalienable rights, which no human legislature has power to abridge or destroy? Can parliament, a delegated trust, take from the people the power of defending those rights? Can it proceed to destroy the liberties of the subject, and to declare their constituents, slaves?

Those <sup>p</sup>*personal rights* are personal security, personal freedom, private property: the enjoyment of these constitute the civil liberty of society; and the share people retain of the defence of these, forms what is called *political*

• Swift's Examiner.

• Sheridan.

*freedom.*

*freedom.* This makes a fourth, and is, in reality, not so much a liberty as *'a power.*

They suppose, therefore, that the constitution must not be altered from what it was originally, established by the general consent and fundamental act of the society; and if it be attempted, such usurpation is to be opposed in the same manner as there are cases of urgent necessity, wherein it would be expedient, nay a duty to resist the crown, as in the exercise of tyranny.

They insist that there are fundamental laws which must be decided by the general voice of the people, and not by their representatives; otherwise a trust, a delegation which was intended for their benefit, might be employed for their destruction.

Those who plead for the uncontrollable power of parliament, ask how the sense of the nation can be collected but by their representatives? Now, as the cases insisted upon, are those of urgent and extreme necessity, to be felt, not defined, like the shock of an earthquake from one end of the kingdom to the other, and apparent by the ruin and de-

3 Locke.

M 4

solation

solation of thousands, perhaps the dispute is a mere verbal one. For all agree, even the advocates of high prerogative and of the omnipotence of parliament, that it is expedient, nay, absolutely necessary, that in every state certain laws be supposed "fundamental and" "invariable, both to serve as a curb to the" "ambition of individuals, and to point out" "to statesmen the outlines or sketch of go-" "vernment", which experience has found to be best adapted to the spirit of the people. I call it a mere verbal dispute; for to suppose the necessity of fundamental laws, and to allow at the same time that they may be broken through by any power, is little short of a contradiction.

To admit that they may be overturned by the caprice or wickedness of a majority, is to grant that we may be *undone* by parliament without a struggle or a groan—rather let us

r Sir J. Stewart.

s In all countries it is of importance\* that the form and usage of governing be acknowledged and understood, as well by the governors as governed.

t Bacon on Government.

\* Duty of submission as explained by Paley, p. 427.

call



all such an attempt a conspiracy against the people—the massacre of the constitution—the acts of lunatics, whom the nation, in their sober senses, would do right not only to expel the two houses but the realm, and appoint other guardians in their stead.

Such an event is not likely to happen. But in case a future venal majority, with the same ease that a former one declared Mr. Wilkes's<sup>a</sup> incapacity, should proceed to expunge the Bill of Rights, to declare the House of Commons perpetual, give authority to the King to raise money without common consent, allow a dispensing power, give to royal proclamations the force of law, annihilate trials by juries, rescind the common law, and repeal the great charter of liberties.—I ask, are the people to lose their birthright, see the palladium of the constitution destroyed, their invaluable privileges trampled upon, the law of the land held in contempt, the glorious system of a free and perfect government reared by their ancestors, and cemented by their blood, crumbled in

<sup>a</sup> This example is chosen, because the proceedings against Mr. Wilkes have been since expunged.

the



the dust, and not rise\* as one man against such an invasion of what is more precious than life itself?

Some apology may even be made for the conduct of those who brought Charles the First to a public trial, and afterwards to the block. But it is not my intention to revive the memory of those unhappy times; nor is it my design to recommend an appeal to the first principles of society on every slight frivolous pretext that may occur; and still less is it meant to approve of riot and rebellion. “ Nevertheless, in condemning the disorders which terminated in the subversion of monarchy, we should not forget the scandalous outrages which had provoked, and some degree justified them. A distinction should certainly be made between a casual and transitory licentiousness, which was a fact produced by the exorbitant pretensions of the crown and an imperious and brutal abuse of power, which had trampled

\* What has lately passed in France, ought to be a lesson to all the Kings and Legislatures upon earth, not to transgress their powers, but consult and pursue the happiness of all the community.

† Letter from a country gentleman, printed for Stoddard, 1789.

“ 1

law and justice under foot for ages, and for which no remedy but resistance remained. A comparative view of the guilt of the people, which was merely momentary, and into which they were precipitated in defence of their rights, which had been systematically attacked for successive generations, and was wanton and inexcusable, must infallibly lessen the odium which the friends of monarchy have attempted to throw on the one, whilst they have observed an almost total silence on the other."

For this reason, in the last session of Parliament the House of Commons inflamed with patriotic sentiments, passed a bill for an anniversary thanksgiving for the revolution, in order to perpetuate in the preamble those constitutional rights it procured to the nation. And surely whilst a public fast remains to deprecate the divine vengeance from visiting the sins of our fathers upon us, and our posterity for having shed the blood of Charles the First; and whilst a form of prayer and thanksgiving is appointed for the unspeakable mercies of God in the restoration of Charles the Second, it was not improper to institute a more solemn service than that which appears

appears in the common prayer to return pub-  
 -thanks for the settlement of our happy  
 of government by King William. The  
 preachers might have an opportunity to  
 present to the nation, in fit strains of e-  
 quence\*, the greatness of their deliverance  
 but it pleased the House of Lords, at the  
 stigmat

\* There were discourses delivered from the pulpit  
 year on the centennial commemoration of the rev-  
 olution\*, some of which have been submitted to the  
 public. Now it will be found, that the greatest num-  
 ber was by Dissenting Ministers before congregations of  
 testant Dissenters. Dr. Kippis's sermon particu-  
 lar (preached at the Old Jewry before the society for  
 commemorating the glorious epoch) contains a just and  
 beautiful eulogium on the excellencies of the British con-  
 stitution, which was confirmed and increased by that im-  
 portant event; and illustrates the subject in a pleasing  
 interesting manner by a brief historical view of its in-  
 troduction by the *Saxons*; of the various infringements  
 on it by the *Tudors* and *Stuarts*, until it was fully and  
 accurately defined at the accession of King *William III*.

At the anniversary meeting of the Revolution So-  
 ciety (Nov. 4, 1789,) after a sermon preached by Dr. [?]  
 the following resolution passed unanimously.

“ The society for commemorating the revolution  
 “ Great Britain, disdaining national partialities, and  
 “ joining in every triumph of liberty and justice over

\* Domestic Literature in the new Annual Register, 1788, p. 1.

igation of the Bishop of Bangor, to reject the Bill.

Of public men we have an undoubted right to speak our sentiments. It appears by his conduct on Lord Stanhope's bill, and the share he took in this debate, that he is no great friend to an extension of civil or religious liberty; or if he acts in concert with his brethren, then we have to say, that it is their fixed purpose neither to relax any of the statutes which are in favour of a religious monopoly, nor to concur in any plan by

bitrary power, offer to the National Assembly of France their congratulations on the revolution of that country, and on the prospect it gives to the two first kingdoms in the world, of a common participation in the blessings of civil and religious liberty; they cannot help adding their ardent wishes for a happy settlement of so important a revolution, and at the same time expressing the particular satisfaction with which they reflect on the tendency of the glorious example given in France, to assert the unalienable rights of mankind, and thereby to introduce a general reformation in the government of Europe, and to make the world free and happy."

These congratulations being communicated to the National Assembly by the Duke de la Rochefaucault, were received with great acclamations by that body, and the President was directed to return in a suitable answer their unanimous acknowledgments.

which



which the liberty of the subject may be asserted \*.

Instead of the innocent and laudable assertions of freedom proposed by the House Commons, and an annual appeal to heaven to bear testimony to the truth of our profession and a supplication to the Almighty Disposer of all things to pour down his blessing on our best endeavours to preserve the constitution inviolate; we beheld the bench of Bishops, and with their ghostly advice the majority of the noble house, either from superstition or hopes of promotion, the adulation of a Court, &c. disposed to bend their necks to the present yoke, if not to part with the primary rights, like Esau for a dinner; but they cannot do it for their children. It is not more preposterous to assign to fathers the power of selling their offspring to slaves in a *foreign country*, than to invest them with the power of entailing slavery on the posterity *at home*; of making them hewers of wood and drawers of water in the *land of liberty*. If there are primary unalienable rights, that of conscientiously worshipping

\* It is very remarkable, that the greatest advocates for toleration have been lay-men, Grotius, Leibnitz, Bayle, Milton, Sydney, Locke, &c.



God in a man's own way, is super-eminently  
 ne. If no man in a state of society, and  
 under civil government<sup>s</sup>, doth in reality part  
 with any of his original primary rights, but  
 only submits to certain conditions and regu-  
 lations, by which those rights are in a more  
 effectual manner secured, it follows *a fortiori*,  
 that with respect to religious liberty he can-  
 not give up the intimate connexion between  
 God and his own conscience; and that if a  
 man could make a surrender of them, he  
 would no longer be a subject<sup>b</sup> of moral  
 obligation; he would be on a level with the  
 heathen that perish.

This right belongs to a Mahometan, a  
 heathen, an Idolater, or a Jew; and if to  
 these, to all Christian sects.

It is adding insult to injustice to pretend  
 that the body of Dissenters are become So-  
 cianians. Dean Swift perpetually took that  
 offence; nay more, in order to run them  
 down he endeavoured to make the people  
 believe they were *Atheists*. An appellation he  
 very liberally bestowed on all his opponents  
 in politics and religion; but with what truth,

Fowne's Inquiry into the Principles of Toleration,  
 8.

Fell's justice and utility of Penal Laws, p. 5—10.

let

let the numerous frequenters of the church not highflyers in principle, declare.

However, we have nothing to do with Socinianism in agitating this question of test. The law remains in force to punish in an exemplary way all persons who openly renounce the Christian religion in which they had been bred, and who *by advised speaking, or writing, deny the ever-blessed Trinity, maintain that there are more Gods than one*. The legislature may think fit in some future day, of their own free will and pleasure, to rescind all laws which are held out only *terrorem*; but the present application on the part of the Dissenters is only to take off the *sacramental test*, which excludes conscientious believers, but not *Deists* or apostates.

Those who are properly *Deists*, that is, men who deny the Christian revelation either

\* The *Deists*, nay *Atheists* in France, pass unheeded for the reasons assigned in the text. They conform to religious establishments alike, and give umbrage to none.

Let Non-conformist ministers be as unfettered by subscription as their brethren in Ireland. It is enough that they take the oaths of allegiance and supremacy\*.

\* In the abjuration oath, a man swears upon the faith of a Christian.

by Jesus of Nazareth, a holy person, or by Christ the son of God, and God himself, are mostly brought up in the church of England, and are occasional Conformists. The present test does not exclude them from holding offices, because they esteem all religious systems the inventions of the magistrate, and revokable at his pleasure. They bow down to the altar as set up for a political purpose, and

power of the established clergy should be restricted to the regulating of their own followers; not but an alteration in the national test, with respect to church emoluments, was very properly requested by a *petitioning clergy*; for there are articles, which the very sticklers for them most cordially disbelieve, and whose doctrines the clergy, both great and little, do not maintain in the pulpit. With this, however, the Dissenters have no concern. With respect to the State, as it is ridiculous to imagine loyalty, allegiance, and good behaviour confined to any set of doctrines, let persons appointed to offices subscribe a declaration, such as was inserted in the Act\*, intitled an Act for the further relief of Protestant Dissenting Ministers and Schoolmasters, "that they are Christians and Protestants, and as such believe the scriptures do contain the revealed will of God." Something like this plan will in time assuredly take place, "though all associated bodies, especially established clergies, are slow to acknowledge and reform their errors."

† Anno 19, George III. ch. 44.

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whilst

whilst they inwardly adore a Supreme Being the Author of the universe, and whose temple is infinite space, it is indifferent to them what the magistrate superadds to the simplicity of this creed, which they confess is not fit for a popular religion.

I acknowledge these men are in a mistake; it is however an error not to be rooted out by compulsory methods; it is a mistaken notion to which a religious test is inadequate. Convince them that their hypocrisy is sinful, that the badge they assume is dishonourable in the extreme, as put on with mercenary views, and if that be not effectual, let such a declaration be drawn up for their subscription that no man of honour can dissemble so egregiously as to put his name to it. But is not the hypocrisy of a *wicked Christian professor* and the badge he assumes when he goes to the altar to qualify for a post with mercenary views, equally dishonourable with that of an *Deist* whatever?

It may also be asked, why should any man of occasional conformity, though for a good place, trouble a good churchman—especially if he can himself comply with the test as a qualification? The most serious and judicious



ous of the church of England have allowed the lawfulness of communion with the reformed churches abroad, Geneva and Holland not excepted, and have joined them in their most solemn services, without any offence to conscience or to their good brethren. Beside, the high-church advocates should look at home; nine out of ten of their own church, who are in posts and places, only qualify occasionally, and numbers never would receive the sacrament at all, knowing their moral unworthiness, but for the sake of a post, or filthy lucre.

Why in God's name is the *sacramental test* to be continued against *conscientious Christians*, which does not exclude *free-thinkers*, men indifferent to all religious systems, which did not prevent Lord Bolingbroke from being Secretary of State? Are not many other examples equally familiar, and with such instances before our eyes, is it not clear that something else must be thought of? For, as the law now stands, we see men of open profligacy and infidelity, in defiance of the anathemas of the church, stalk proudly to the altar, and triumph in the enjoyment



“ of the highest honours and offices of the  
“ State.”

The smallest alteration in the Thirty-nine Articles, in the form of prayer, or in the administration of the sacraments, it is pretended would bring down ruin on an ancient fabric which cannot be touched without hazarding the whole. By such arguments, the great reformers, Luther, Calvin, and Cranmer; and all those who laid down their lives for the religion in the primitive times, were turbulent and seditious subjects, when they preached things contrary to the established church of the day, which could boast of a far greater antiquity.

Let the form of prayer remain untouched—does it follow that the Dissenters, having nearly the same opinions in point of doctrine and differing only in church government, should be excluded from civil offices<sup>c</sup>, from municipal jurisdiction, and from degrees in the universities, at a time that they exercise the highest of all privileges, that of voting

<sup>c</sup> Such a man can take the oaths of allegiance and supremacy with as much sincerity as any in the realm.

members of Parliament; that of being parts of the legislature itself<sup>d</sup>?

It is urged, a provision for the clergy is of the essence of church government. Now, as there is no attempt to demolish this fabric, or to destroy her tythes, her archbishoprics or bishoprics, her deaneries, her prebendships, her archdeaconries, &c. it is unfair to sound an alarm, when no danger is at hand.

The State will not assist a Dissenter to obtain the least of these lucrative preferments by taking off the sacramental test; because the subscription to the Thirty-nine articles, by which the hierarchy is established, is an invincible bar. A man, who can subscribe

<sup>d</sup> Anciently the members of the House of Commons\* (by a vote of their own) communicated, but which custom has been laid aside. The house which passed the Test Act, passed a bill to give to the Protestant Dissenters a legal, instead of an unconstitutional toleration, by means of the dispensing power: and when it was moved by a member of the Court-party, that it might be given as an instruction to the committee, "that such as do dissent from the church of England shall be incapable to serve as members of this house," it passed in the negative, 163 to 107.

\* Journals, Vol. IX. p. 266. Right of Protestant Dissenters, p. 11.

these articles, and administer the sacrament according to the form prescribed by the church of England, is no more a Presbyterian than a Lutheran. Beside, he will not be inducted into a living, and have the cure of souls, unless he has been ordained by a Bishop, and bring with him testimonials of his character. There have been indeed instances of dissenting ministers who have conformed to the church of England\*, so there have been of Episcopalian clergymen becoming proselytes to the church of Rome; but after their conversion, no man ever considered them as belonging to the church they had openly abandoned, and whose supposed errors they had solemnly abjured.

Nothing so easy, and at the same time so unfair, as to insinuate doubts, instil jealousies, foment divisions, sound alarms, and convert suspicion into determined hatred. In Dean Swift's writings†, the Dissenters of all denominations are always considered as the open enemies

\* Archbishops Tillotson and Secker, Bishops Wilkins, Reynolds, Butler, ornaments of the prelacy, and also Maddox.

† During the last years of the reign of Queen Ann, several pamphlets were published containing invectives against

enemies of the church; but by the same party writer, all moderate men, called by him in derision *moderation-men*, such as Whigs and low-churchmen, are branded as the secret adversaries of the constitution. The odious names of Whig and Tory, high-church and low-church, have been abolished in this reign. Can however the comprehensive scheme be deemed complete, whilst such an exclusion as the test remains? It is admitted, that obnoxious tenets in religion and government are no longer imputed to Tory families, but is not as an indulgent opinion to be entertained of the sincerity of the Whigs, and to those of the Whigs that are Dissenters from the church? It hath been pretended, that by opening this door, republicans, men dangerous to the constitution, will take possession of the strong posts of Government, and of the avenues of the Court; as if it were not still in the power of the present King to exclude from his councils men of violent democratical principles, (if such

against the Dissenters, and exciting the Government to extirpate and destroy them. Several prosecutions were carried on against them for teaching schools with great eagerness and malice.



there be) as it was in the discretion of his two royal predecessors to keep at a distance from them those who were tainted with Jacobitism. Let those who were formerly in the interest of the abdicated family, upon change of sentiments, bask in the sunshine of a court: But why shall those who may boast of as constitutional ideas and principles as the others, be marked out for political vengeance, or be looked on with abhorrence? They who have possession of the high ground will keep it as long as they can; but they should be content with that pre-eminence without countenancing a spirit of persecution and intolerance, or pretending that they only are worthy to be employed; for to a bystander their suspicions and aversions favour much more of selfishness than of regard to the public good.

It behoves a patriot-prince to select from all parties those who are best able to serve him, by the superiority of their talents, and the extensiveness of their knowledge. It is incumbent on a sage and impartial lawgiver to conciliate, to mollify, and heal; not to keep up unnecessary distinctions. The revival of persecution is not probable; a persecution



persecution accompanied with fines, and corporal punishments. Is that, however, the only species to be dreaded? are there not other kinds, more exquisite by their refinement, and more fatal in their effects? It may be easily shewn, that it is not the lives of a few individuals, but a nation's happiness that is involved in the consequence! for there is nothing so evident, that when religious freedom shall expire, civil liberty receiving its death's wound from the same sacrilegious hands, will be buried in one grave.

Sufficient materials are left on the statute book for the revival of persecution, whenever inclement sentiments shall prevail in the rulers. It is now, therefore, submitted to the consideration of Parliament, whether they will leave these combustibles to ferment, and by any ill management or wicked contrivance to burst into a flame, and in the blaze to kindle the fiercest and most unquenchable passions of the human breast; or whether they will prevent the future mischief, and so far as is in their power, to improve and perfect the system of toleration, and to inscribe it with the words, ESTO PERPETUA.

My

My Lord, I have done ; and if I can obtain your approbation, I shall consider my labour amply repaid ; truly satisfied that your Lordship, full of the noblest sentiments, and actuated by the purest motives, will give your support in parliament to no measures which are not consonant with reason, founded on virtue, and adapted to the public interest. I submit my thoughts to you, as to a rigid conscientious, knowing, but impartial judge, and whilst I wait patiently your decision, remain,

My Lord,

With profound and unfeigned respect,

Your Lordship's

Most devoted, humble servant,

A. LAYMAN

POST

## P O S T S C R I P T.

*Copy of an extraordinary Letter received by a  
Clergyman.*

Aberguilly, August 24th, 1789.

" Sir William Mansell has declared him-  
" self a candidate to represent the borough  
" of Carmarthen in the next parliament; I  
" cannot refrain from declaring, that he has  
" my heartiest good wishes. Mr. Philips,  
" the present member, has received the  
" thanks of the Dissenters for the part he  
" took in a late attempt to overthrow our  
" ecclesiastical constitution by the repeal of  
" the Corporation and Test Acts. By this  
" it is easy to guess what part he is likely to  
" take in any future attempt for that purpose.  
" I hope I shall not have the mortification  
" to find *a single clergyman* in my diocese,  
" who will be so false to his own character,  
" and

“ and his duty to the established church,  
 “ to give his vote to any man who has dis-  
 “ vered such principles,

“ I am, Reverend Sir,

“ Your affectionate brother,

“ And faithful servant,

“(Signed,) SAMUEL ST. DAVIDS

I have, my Lord, every reason to believe that this is an authentic copy of a *circu-* letter, which was sent to every clergyman of the Diocese, and that there was a *private* one addressed to a *chosen few*. If genuine, your Lordship will agree that it was a flagrant breach of privilege, and may be complained of, by any member in his place moving for a resolution to refer the consideration of this extraordinary letter to the committee of privileges and elections. If the House agree, however, to show their contempt of this Prelate's improper and indecent meddling in elections, by their silence, it is not less censurable by the House.

Every subject in his individual capacity, grand juries, bodies corporate, have the undoubted right of petitioning the two houses

or of soliciting members, either for the continuance of laws, or for the repeal of them; but such *mandatory letters* of lords of parliament, as well spiritual as temporal, to influence electors, are highly reprehensible, being completely unconstitutional; and as much as your Lordship's mind is made up to particular points, there is not one of them you would wish to carry by violating the privileges and independence of the House of Commons, the great bulwark of our liberties.

The meeting of lords and gentlemen advertised at Warwick, to oppose the repeal of the Corporation and Test Acts, is as fair and legal as one for it; but would cease to be innocent, if the peers, who have subscribed their names for the calling of that meeting, should proceed to use their influence in the manner the Bishop of St. David's is believed to have done.

Such letters of prelates to their inferior clergy, are not admonitions but commands; and the supposed interference of the Bishop of St. David's in this instance, is the more violent and unbecoming, as he hath endeavoured to compel even those clergymen of  
his



his diocese, who may chance to differ from him in the nature of *complete* toleration, and on the too long withheld repeal of the Corporation and Test Acts, to vote contrary to their consciences, by holding them out to the rest of the clergy, as false brethren, and betrayers of their church and country.

Very extraordinary resolutions have been also lately made and published by meeting of a few clergymen in Yorkshire, and a meeting of the Society for promoting Christian Knowledge, at Bartlett's buildings London. It is hoped, that the preceding pages will fully prove to them, that "the Sacramental Test is NOT a wise and necessary provision of the laws, for the common security of the civil and ecclesiastical constitutions."—That "the blessings of full toleration are NOT enjoyed by the Protestant Dissenters, either by their ministers or laity."—That "the abrogation, or repeal of the Acts, would NOT increase the influence of Dissenters, in the concerns of church or state in the *least degree*, inconsistent with the security of either."—And, that "the renewed application is NOT an attempt

innov

innovation on the constitution of the united kingdoms".—They will see also, that both the Corporation and Test Acts have been partially repealed already, why not wholly?

The clergy, and the Society for promoting Christian Knowledge, ought to consider, that the Protestant Dissenters have paid cheerfully all taxes to the church, as well as to the state, equally with the members of the establishment, and they have both served and saved each of them in seasons of difficulty and danger; and yet, without receiving the Sacramental Test, they are incapable of holding any offices, and exposed to grievous penalties. Do the "blessings of a full toleration," which the Christian Society at Bartlett's-buildings earnestly wish to be extended to Christians of all denominations, really include pains and penalties? and on all who cannot conscientiously kneel with them at the same altar, to receive that for a *civil purpose* which was intended by the author and finisher of their faith only for a *religious end*?

Rather the acts complained of are proved to be innovations on the constitution.

Many serious clergymen acknowledge the Test to be a scandalous profanation of a holy rite; and all, if they coolly considered, would see, that the repeal of the offensive acts in this way concerns the clergy. It respects only the distributing of civil employments for civil objects, by persons acting in civil capacities, and neither the religious opinions nor practice, much less the privileges, powers, and revenues of the church, can be in the least affected by a concession of the legislature. which if the clergy concur, they have not an opportunity to shew themselves disinterested Christians, and to render themselves popular and esteemed.

F I N I S.

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An historical Review of the  
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A P O

In Reply to the Answer  
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